

3-11 POLICY FOR PROMOTION OF NONDOCTORAL FACULTY (Approved by The University of North Carolina at Pembroke Faculty Senate on May 6, 1987)

Persons holding the master's degree as their highest earned degree shall not be automatically entitled to consideration for promotion to or within professorial rank. Such persons may, however, where they can present substantial evidence of comparable professional distinction, petition for promotion to or within professorial rank. Comparable professional distinction is understood herein to mean the functional equivalent of a terminal degree in the petitioner's discipline or field. In no case shall length of service to the University or teaching competence qualify as evidence of comparable professional distinction. While these items might constitute considerations to be taken into account within the structure of any promotion decision, they do not constitute a means of qualifying for promotion consideration on the basis of comparable professional distinction. For promotion purposes, a Master of Fine Arts degree may be considered a terminal degree in lieu of a doctorate in the appropriate creative and performance areas. For promotion purposes, additional individual consideration may be given to the Master of Social Work degree and the Master of Business Administration degree combined with the Certified Public Accounting License.

Criteria for Comparable Professional Distinction

- a. Evidence of outstanding academic/professional accomplishment. This would include a history of being a contributing and exceptional member of an academic discipline. Items to be considered in this regard include a record of publication, artistic productivity in studio or performing arts, as well as exceptional professional accomplishment in fieldwork relevant to the academic discipline.
- b. Evidence of continuing professional development. There must be a strong record of involvement in professional activity. Presentation of conference papers, conference attendance, symposium participation, and any other activity, exhibit, or show where one's work product is subject to professional peer review may be considered.
- c. Evidence that one has a reputation as a respected scholar/ professional among peers.
- d. Demonstration of how evidence compiled with respect to items a, b, and c above may combine to justify the petitioner's claim to have attained, by virtue of outstanding accomplishment, the functional equivalent of a terminal degree in his/her discipline or field.

Procedure

Any person wishing to be considered for promotion to or within professorial rank on the basis of comparable professional distinction must petition for such consideration. This is to be done by presenting a written request, along with supporting evidence, to the department chair. The department chair will convene the departmental peer evaluation committee. This committee will consider the merits of the request and shall send it, the supporting evidence, the committee's written recommendation, along with the department chair's recommendation to the Provost and Vice Chancellor for Academic Affairs. The Vice Chancellor, if he/she deems the request to have merit, shall ask for a review by the Promotion and Tenure Committee. This committee shall consider only if the petitioner has met the stated criteria for comparable professional distinction. Having thoroughly examined the evidence, the committee shall submit its recommendation to the Provost and Vice Chancellor for Academic Affairs. The Provost and Vice Chancellor shall make the final determination on comparable professional distinction. If the Provost and Vice Chancellor decides that the criteria for comparable professional distinction are not met, he/she shall so inform the petitioner in a manner consistent with general provisions of the University's promotion policy. Any petitioner who is determined to have met the criteria for comparable professional distinction shall be considered, for promotion purposes, to have the functional equivalent of a terminal degree in his/her field or discipline. From that point forward, the petitioner shall be entitled to the same consideration and evaluated by the same criteria which apply to all terminal degree holders with respect to promotion.

3-12 TENURE AND PROMOTION CRITERIA

(On November 2, 1988, the Faculty Senate unanimously approved the following criteria to be used in tenure and promotion considerations.)

Recognizing that the quality of an institution rests largely on the quality of its faculty, it is imperative that there be at least minimal criteria to assist in tenure and promotion decisions. Faculty members need to be informed and to understand from the beginning of their employment that neither tenure nor promotion is a right or an automatic consequence of years of service, that each is earned through demonstrated excellence. In tenure decisions consideration must be given additionally to the faculty member's potential for future contribution and institutional needs and resources. The terminal degree is required for all professorial ranks beginning with the assistant professor level. While the criteria for tenure and promotion are largely the same, and while tenure and promotion decisions might be made at the same time, it should be understood that they are separate decisions.

Criteria for Tenure and Promotion

Candidates for tenure and/or promotion will be evaluated using the criteria of scholarship and professional growth, university and community service, and, most importantly, excellence and effectiveness in teaching. As a minimum standard, candidates should be evaluated as satisfactory or above in all categories. So far as possible, evidence of performance in these areas is to be objective and documented, with evaluations conducted by the candidates' peers and appropriate administrators. Each department's ranking of each of the following categories of evaluation will be used.

Scholarship and Service to Profession -- University professors are, ideally, teacher-scholars who engage in research to advance knowledge and to keep themselves current in their disciplines. Scholarly, professional activity includes research, publications, professional memberships and activities, grant acquisitions, recitals, shows, exhibitions, consulting, and other related activities.

University Service -- As a criterion for tenure and promotion, the concept of service includes but goes beyond routine duties such as advising students, committee work, and teaching classes.

Community Service -- Candidates should show evidence of participation and leadership in projects on and off the campus which contribute to advancing the mission of the university, of service to one's discipline, and of community involvement.

Teaching -- Though teaching is, in many ways, a highly individualized profession and though there are continuing debates over the most effective techniques, there is little disagreement over the importance of exceptional teaching as the major criterion for tenure

and/or promotion. Clearly, exceptional teachers will show command of their subject, be creative and imaginative, be enthusiastic, promote critical thinking, stimulate their students to improved performance, engage in and use research, and be outstanding communicators.

Plans for Professional Activities and Future Development--Each faculty member will engage in activities that contribute to professional growth and development, and refinement of his/her expertise.

Promotion Standards

Assistant Professor:

It is generally recognized that promotion to the rank of Assistant Professor is based on potential.

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of effectiveness in teaching;
3. Evidence of scholarship and professional growth;
4. Evidence of university and community service;
5. Essentially positive evaluations;
6. A minimum of three years experience in higher education, unless cumulative achievement deemed equivalent.

Associate Professor:

It is generally recognized that promotion to the rank of Associate Professor is based upon both demonstrated performance and potential.

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of superior teaching;
3. Evidence of scholarship and professional growth;
4. Evidence of university and community service;
5. Essentially positive evaluations;
6. A minimum of seven years experience in higher education, unless cumulative achievement deemed equivalent.
7. A minimum of four years in rank of Assistant Professor at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.

Professor:

It is generally recognized that promotion to the rank of Professor is based upon one's having achieved professional and scholarly distinction.

1. Unless there are extenuating circumstances, a terminal degree in the appropriate field;
2. Evidence of outstanding teaching;
3. Evidence of significant scholarship and professional growth;
4. Evidence of university and community service;
5. Positive evaluations;
6. A minimum of ten years experience in higher education, unless cumulative achievement deemed equivalent;
7. Five years in rank of Associate Professor at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent;
8. Evidence of leadership in fulfilling collegiate responsibilities.

It is strongly recommended that a candidate not receiving promotion should not be considered the following academic year.

It is recommended that these basic criteria are to be used at all levels of the evaluation process.

3-13 POLICY STATEMENT ON APPOINTMENT, REAPPOINTMENT, PROMOTION, AND TENURE OF PROFESSIONAL LIBRARIANS (Approved by the Faculty Senate on February 6, 1991)

Professional librarians at The University of North Carolina at Pembroke hold faculty status and receive benefits equal to other EPA academic personnel on twelve-month contracts with equivalent credentials. Although they hold rank similar to that of instructional personnel, librarians are considered administrative faculty since they do not hold an appointment in an academic department. And, because their duties differ considerably from those of the teaching faculty, a separate but parallel system of library ranks has been established.

Professional librarians appointed to positions at The University of North Carolina at Pembroke must possess as a minimum qualification a Master's Degree in the field of Library Science, hereafter referred to as an M.L.S. This degree is considered an appropriate terminal degree for initial appointment. Professional librarians must also exhibit potential for job performance in a specific library field, service, scholarship, and professional development.

Professional librarians are normally appointed at the rank of Instructor Librarian. When considered for promotion and/or tenure, they are evaluated according to the procedures and criteria, the latter modified slightly to reflect the nature of a librarian's work, established for the faculty by the Faculty Senate and by the Tenure and Promotion Committee. Librarians not holding doctoral degrees are subject to the policies for non-doctoral faculty established by The University of North Carolina at Pembroke. Instructor librarians in their third year should normally be reviewed for consideration for promotion to assistant librarian.

APPOINTMENT/PROMOTION STANDARDS

Instructor Librarian

Professional Librarians without previous professional experience are appointed at the rank of Instructor Librarian for a probationary period; this appointment is based on the expectation of successful overall performance and the potential for a promising career in librarianship. Appointment at this rank requires meeting the standards listed below.

1. An M.L.S. as a minimum qualification.
2. Potential for effectiveness in teaching and/or job performance.
3. Potential for scholarship and professional growth.
4. Potential for University and community service.
5. Essentially positive recommendations.

Assistant Librarian

Appointment at or promotion to the rank of Assistant Librarian is based upon demonstrated evidence of significant professional contributions to the library and the institution and the potential for further professional growth. Appointment at or promotion

to Assistant Librarian requires meeting the standards listed below.

1. An M.L.S. as a minimum qualification and evidence of continued educational development;
2. Evidence of satisfactory teaching and/or job performance;
3. Evidence of scholarship and professional growth;
4. Evidence of community and University service;
5. Essentially positive evaluations;
6. A minimum of two years' professional experience after graduation.

Associate Librarian

Appointment or promotion to the rank of Associate Librarian is based upon evidence of substantial professional contributions to the library and the institution as well as significant achievements, for example in research, scholarship, or other appropriate professional endeavors, in addition to assigned duties in the library. Appointment at or promotion to Associate Librarian requires meeting the standards listed below.

1. An M.L.S. as a minimum qualification and evidence of continued educational development; such evidence may include earning an M.A. in an academic field and active participation in institutes, workshops, and conferences.
2. Evidence of superior teaching and/or job performance.
3. Evidence of scholarship and professional growth.
4. Evidence of community and University service.
5. Essentially positive evaluations.
6. A minimum of seven years' professional experience after graduation.
7. A minimum of four years in rank of Assistant Librarian at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.

Senior Librarian

Appointment or promotion to the rank of Senior Librarian is based upon outstanding achievements and evidence of significant professional contributions to the library and the institution as well as superior achievements, for example in research, scholarship, or other appropriate professional endeavors, in addition to assigned duties in the library. Appointment to or promotion to this rank requires meeting the standards listed below.

1. An M.L.S. as a minimum qualification and evidence of continued educational development; such evidence may include earning an M.A. in an academic field and participation in a leadership capacity in institutes, workshops, and conferences.
2. Evidence of outstanding teaching and/or job performance.

3. Evidence of significant scholarship and professional growth.
4. Evidence of community and University service.
5. Positive evaluations.
6. A minimum of ten years' professional experience after graduation.
7. A minimum of five years in rank of Associate Librarian at The University of North Carolina at Pembroke, unless cumulative achievement deemed equivalent.
8. Evidence of leadership in fulfilling collegiate responsibilities.

CRITERIA FOR PROMOTION

Professional librarians being considered for promotion to Assistant, Associate, or Senior must meet the standards outlined above for each rank. They will be evaluated using the following criteria; special emphasis may be placed on the criteria that are most directly related to the candidate's assigned duties and responsibilities.

1. Documented evidence of continued professional growth and development; such evidence may include additional academic training and the earning of an academic master's degree; it may also include a record of attendance at and participation in workshops, institutes, seminars, and other informational meetings designed to further professional abilities and skills.
2. Documented evidence of communication, cooperation, and rapport with students, faculty, University staff, library staff, and the public in the providing of library services.
3. Documented evidence of the ability to instruct patrons in the interpretation and use of library resources.
4. Documented evidence of research or scholarly activities.
5. Documented evidence of exceptional performance and leadership in relating professional duties and responsibilities to the overall goals and objectives of the library.
6. Documented evidence of constructive contributions and innovations that have improved the library's services, such as the development of bibliographic pamphlets and user guides or upgrading the usability of the online catalog.
7. Documented evidence of effectiveness in supervisory, managerial, and administrative duties as applicable, with special emphasis on the training and development of supportive staff. [This criterion applies primarily to individuals who have served, or who are serving, in a supervisory capacity.]
8. Documented evidence of significant contributions in the area of collection development and collection analysis in one or more areas of the library's holdings.
9. Documented evidence of commendable service related to temporary assignments of additional responsibility, such as service on library standing and ad hoc committees or the analysis and continuing study of library policies

and services.

10. Documented evidence of service to the University, such as membership on University and Senate committees and subcommittees.
11. Documented evidence of professional service to the community.

It is strongly recommended that a candidate not receiving promotion should not be considered the following academic year.

TENURE

Professional librarians will be eligible for tenure. The relationship between tenure and rank shall be the same for librarians as for other faculty at The University of North Carolina at Pembroke. These general criteria include: 1) effectiveness of performance as a librarian; 2) quality of scholarship; and 3) effectiveness of professional service to the University and the community. A librarian awarded tenure is granted tenure as a member of the library professional staff, not tenure in a specific working assignment or in an academic department.

A librarian who is a candidate for tenure shall be reviewed according to procedures set forth in established institutional regulations as applied to other faculty at The University of North Carolina at Pembroke. These procedures shall be similar to those mandated for promotion in academic rank.

CRITERIA FOR TENURE RECOMMENDATIONS

1. Documented evidence of general knowledge of the goals, standards, and conventions of the library profession, especially as applicable to the role of the academic librarian.
2. Documented evidence of superior abilities and professional knowledge in the particular area or areas of assigned responsibility; in addition, documented evidence of positive job-related characteristics, such as accuracy, initiative, judgment, dependability, and ability to organize and plan work effectively.
3. Documented evidence of research or scholarly activities.
4. Documented evidence that professional knowledge and abilities have contributed to the improvement of library services.
5. Documented evidence of the ability to interact successfully with all users of the library, faculty, staff, students, and the public, and with members of the library staff.
6. Documented evidence of the ability to instruct patrons in the interpretation and use of library resources.
7. Documented evidence of efforts for continuing professional growth and development; i.e., the enhancement of existing skills and the motivation for acquiring additional skills and training related to the effective performance of professional duties.
8. Documented evidence of a superior level of performance in the areas of service to and instruction of users, such as, bibliographic organization and collection development.

9. Documented evidence of the willingness to assume (and quality of performance in such tasks) temporary assignments of additional responsibility as requested; i.e., service on library standing and ad hoc committees and the analysis and continuing study of library policies and services.
10. Documented effectiveness in supervisory, managerial, and administrative duties, when applicable.
11. Documented evidence of service to the University; i.e., service on University and Senate committees.
12. Documented evidence of professional service to the community.

Appropriate forms will be utilized by the library director, library staff, and students to evaluate performance of librarians.

3-14 POLICY STATEMENT ON EXTERNAL PROFESSIONAL ACTIVITIES OF FACULTY AND OTHER PROFESSIONAL STAFF (Adopted April 16, 1993 by the Board of Governors of The University of North Carolina)

3-14.1 SECTION 1. 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:

- a. 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
- b. Create a conflict of interest vis-a-vis the individual's status as an employee of the University; or
- c. Involve any inappropriate use or exploitation of University resources; or
- d. 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
- e. Claim, explicitly or implicitly, any University or institutional responsibility for the conduct or outcome of such activities.

3-14.2 SECTION 2. DEFINITIONS

- a. "External professional activities for pay" means any activity that 1) is not included within one's University employment responsibilities; 2) is performed for any entity, public or private, other than the University employer; 3) is undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the 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 3 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.

b. "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.

c. "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.

d. "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.

e. "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.

f. "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.

3-14.3 SECTION 3. PROCEDURES GOVERNING EXTERNAL PROFESSIONAL ACTIVITY FOR PAY

a. 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," Attachment A), 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 (10) calendar days before the date the proposed external professional activity for pay is to begin.

b. 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 12-month employees and employees with contract service periods that include the summer session) or (2) the academic year (in the case of 9-month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten days before engaging in such activity in the succeeding relevant year.

c. 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 department 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 (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the department head, the faculty or other professional staff member shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department head reports, 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 (10) 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.

d. If question 8, question 9a, or question 9b 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 department head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) days of receipt by the administrative officer to whom the department head reports, and appeal of a disapproval by that officer shall be to the Chancellor (or, in the General Administration, to the President).

e. 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

department 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.

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

SECTION 4. SPECIAL PROVISIONS

a. 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.

b. The procedures in Section 3 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.

SECTION 5. EFFECTIVE DATE

This policy statement shall become effective on July 1, 1993.

3-14.4

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 12-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30: _____
 - b. For 9-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30 (see Policy section 3.b.):
 - (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 9-month employee) and state what arrangements have been made to cover any such duties:

<u>Duties Missed</u>	<u>Arrangements to Cover</u>
_____	_____
_____	_____
_____	_____
_____	_____

7. Use of University resources in connection with proposed activity:
- a. Will the activity entail the use of any University resources (see discussion at section 2.e. of Policy)?
 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.

Signature

Department

Academic Rank or Job Title

Administrative Title (if any)

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 of Notice of Intent was filed: _____

ADMINISTRATIVE ACTION ON NOTICE OF INTENT

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

Date Department Head

Other action (as required): _____

Date Dean or Other Administrative Officer*
*Approval by Dean or other administrative officer to whom Department Head reports is required if question 8 or question 9.a. or 9.b. is answered in the affirmative.

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

Date Department Head

Action on appeal (if any):

Date Action taken

Dean or Other Administrative Officer

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 12-month employees) or for the balance of the academic year (for 9-month employees); see Policy Section 3.b.

3-15 POLICIES AND GUIDELINES CONCERNING CONFLICTS OF COMMITMENT AND INTEREST AFFECTING UNIVERSITY EMPLOYMENT

Introduction

The University of North Carolina at Pembroke's **Policies and Guidelines Concerning Conflicts of Commitment and Interest Affecting University Employment** document supports the policies and guidelines adopted by the UNC Board of Governors on April 16, 1993.

The University of North Carolina at Pembroke subscribes to the statement of The Code of The University of North Carolina indicating that the basic mission of the faculty is "the transmission and advancement of knowledge and understanding."

University faculty engage in a number of activities within the academy related to their teaching, research and service. In addition, because of the nature of their credentials and expertise, faculty also have opportunities to utilize their skills and knowledge in settings and activities outside the University. In most instances, this independence and flexibility work to the advantage and benefit of the faculty member, the institution and the community.

The same opportunities can become problems, however, when a conflict of commitment or a conflict of interest arises.

Conflict of Commitment

A **conflict of commitment** arises when a faculty member's activities outside the University interfere with the performance of responsibilities within the institution. This **conflict of commitment** may occur as the result of such activities as consulting, teaching, performing and other such involvements. At The University of North Carolina at Pembroke, **conflict of commitment** is generally discovered and resolved through the normal expectations and routine monitoring of faculty performance, through the required External Professional Activity for Pay reporting process and through reports by and interactions with colleagues, department chairs and administrators in the process of consideration for tenure and/or promotion and merit pay.

It is the policy of The University of North Carolina at Pembroke that faculty shall devote their primary professional loyalty, time and efforts to teaching, research and service and related duties and that EPA non-teaching employees shall devote their primary professional loyalty, time and efforts to the specific requirements of their University employment. Therefore, in accord with this policy, outside activities and financial interests must not interfere with carrying out University employment responsibilities. The University of North Carolina at Pembroke has adopted the federal standard of significant financial interest as defined in Section 50.603 of the Federal

Rules and Regulations reported in the July 11, 1995, Federal Register (See Appendix A).

The policies and procedures outlined in this document are designed to prevent circumstances that can limit and/or adversely affect impartiality in the performance of University duties. Additionally, The University of North Carolina at Pembroke has in effect a written and enforced administrative process to identify and manage, reduce or eliminate significant financial interest as outlined in 42CFR Part 50 (amended), article 50.605. (See Appendix B.)

Conflict of Interest

Conflicts of interest arise when financial or other personal considerations "may compromise, may involve the potential for compromising, or may have the appearance of compromising a faculty member's objectivity in meeting university duties or responsibilities, including research activities" (from the Board of Governors April 16, 1993 policy). The biases resulting from **conflicts of interest** may compromise such responsibilities as making decisions about personnel and purchases; gathering, analyzing and interpreting data and sharing research results; selecting research protocols; and employing statistical methods. Problems can occur when a faculty member is in a position to influence University business, research or other decisions in ways leading to personal gain for the faculty member or his or her family. Conflict exists when a faculty member or an immediate family member has a personal interest in an activity that could have an impact on decision making at the University. Conflict exists when a faculty member's commitments and obligations to the University are likely to be compromised by other interests and commitments. **It is the policy of The University of North Carolina at Pembroke that faculty and EPA non-faculty employees will avoid conflicts of interest that may adversely affect the University's interests, compromise objectivity in carrying out University responsibilities, or compromise the performance of University responsibilities. Thus external activities and financial interests must be arranged to avoid such conflicts.** External activities which may have an impact on University responsibilities fall into three categories.

Category I. Activities Holding Little Potential for Conflict

Some external activities of faculty **have little potential** for creating conflicts of interest. These include, but are not limited to, such activities as receiving royalties from the publication of books or licensure of patented inventions subject to The UNC Patent and Copyright Policies; holding an equity interest in a corporation designed solely to accommodate external consulting activities; receiving honoraria or expense reimbursement for service to professional associations; service on review panels, presentation of scholarly works, or participation in accreditation reviews.

Category II: Activities Requiring Disclosure and Review Because of Potential for

Conflict

Other activities may require **disclosure or administrative review** because a possibility for conflict of interest is present. Such activities must be reviewed and may be limited or monitored. Examples of these activities cited in the policy adopted by the UNC Board of Governors on April 16, 1993, are presented here not as an exhaustive list, but rather as further clarification of the nature of conflict of interest.

A University employee requiring students to purchase the textbook or related instructional materials of the employee or members of his or her immediate family, which produces compensation for the employee or family member.

A University employee receiving compensation or gratuities (other than occasional meals, gifts, or desk copies of textbooks, and the like) from any individual or entity doing business with the University.

A University employee serving on the board of directors or scientific advisory board of an enterprise that provides financial support for University research, and from which the employee or a member of his or her immediate family may receive such financial support.

A University employee serving in an executive position in a for-profit or not-for-profit business which conducts research or other activities in an area related to other University duties of the employee.

A University employee having a financial interest in a business that competes with services provided by the University.

A University employee engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined herein.

Category III: Activities Not Allowable Because of High Potential for Conflict

Finally, there are certain activities or situations which are generally not allowable because they suggest the strong possibility that **conflict of interest** may be inevitable. For that reason, the University employee considering involvement in these kinds of activities would not be allowed to proceed until he or she could demonstrate that, in fact, the potential for conflict of interest does not exist. These examples of typical unallowable external involvement are from the Board of Governor's April 16, 1993 policy:

A University employee participating in University research involving a technology owned by or contractually obligated to (by license or exercise of an option to license, or otherwise) a business in which the individual or a member

of his or her immediate family has a consulting relationship, has an ownership, or holds an executive position.

A University employee participating in University research which is funded by a grant or contract from a business in which the individual or a member of his or her immediate family has an ownership interest.

A University employee assigning students, post-doctoral fellows or other trainees to University research under conditions that require research results to be held confidential, unpublished, or inordinately delayed in publication (other than as allowed by University Patent and Copyright Policies or by policy of the Board of Governors dated February 12, 1988, Administrative Memorandum No. 260.)

A University employee making referrals of University business to an external enterprise in which the individual or a member of his or her immediate family has a financial interest.

A University employee associating his or her own name with the University in such a way as to profit financially by trading the reputation or goodwill of the University.

A University employee making unauthorized use of privileged information acquired in connection with his or her University responsibilities.

A University employee making use of University facilities (such as: offices, telephones, office equipment, office supplies), University services and staff for non-university sponsored activities.

A University employee publishing or formally presenting University-sponsored research results, or providing expert commentary on a subject without at the same time disclosing any significant financial interest relating to such results or such subjects.

A University employee engaging in any other activity having high potential for a conflict of interest.

Avoiding Conflicts of Interests

In an attempt to avoid and forestall conflicts of interest, The University of North Carolina at Pembroke will follow these procedures:

Dissemination of Policy on Conflict of Interest: This policy is an official part of the Faculty Handbook, which is distributed to all faculty during their first semester of employment.

Any additions, deletions, or revisions are distributed to all faculty at the beginning of the academic year. In addition, The University of North Carolina at Pembroke will alert faculty each year to the University's Policy on Conflict of Interest by inserting a printed reminder in the first pay envelope.

Requirement of Disclosure: At the beginning of each academic year, each faculty member will be required to submit a Disclosure Form (as shown in attachment to this policy), indicating any plans for non-University activity. This form will be submitted in addition to the form on External Professional Activity for Pay. This form will be reviewed first by the department chair to determine whether it is (1) a negative disclosure, revealing no conflict or (2) a positive disclosure requiring additional review. The form, with the department chair's decision and recommendation, will be forwarded to the Office for Academic Affairs for additional review. If the activity is determined not to be in conflict with University obligations, the form will simply be filed in the faculty member's personnel file in the Academic Affairs Office. If the activity needs further review and discussion, the Office for Academic Affairs will confer with the department chair to decide on appropriate action.

Updated forms must be submitted during the year if changes occur which may involve a potential conflict of interest, which eliminate a previously discussed conflict of interest, or which change any responses on the previously filed Disclosure Form.

All Disclosure Forms will be on file in the faculty member's personnel file in the Academic Affairs Office.

GUIDELINES FOR CONSIDERATION OF CASES INVOLVING CONFLICT OF INTEREST

1. **Handling of Allegation.** Allegations of conflicts of interest are a serious matter. They must be handled in a prompt and appropriate manner with due respect and concern both for the accused and the accuser. The responsibility for coordinating these procedures rests with the Chancellor.
2. **Protection of the accused.** Until a decision as to the facts of the case is made through the judicious application of the policies and procedures described in this document, the accused is to be protected by the institution. Individual parties involved must be shielded from the possible damage arising from allegations of conflict of interest, while ensuring a prompt and effective response to the allegations. The primary mechanism for this protection will be strict confidentiality. The damages resulting from spurious allegations of conflict of interest and inappropriate assumptions of guilt must be minimized.
3. **Protection of the accuser.** The accuser is also to be protected by confidentiality and anonymity in the initial handling of the case until it becomes necessary for the identity of the accuser to be revealed to the accused and to other parties who need to know. Except under extraordinary circumstances, the accused has the right to confront the accuser. Special care in this respect must be taken in cases in which the accuser is subordinate to the accused. Spurious, frivolous, or irresponsible accusations of misconduct are, themselves, a form of academic misconduct and should be dealt with accordingly. Individuals must be protected by the institution from these types of allegations.
4. **Confidentiality.** An investigation of an allegation of conflict of interest must be handled with strict confidentiality at all times.
5. **Conflict of interest.** Any conflicts of interest of members of the investigation committee, real or perceived, must be avoided in the investigation of a charge of conflict of interest. The members of the investigating committee must be selected so as to avoid this difficulty.
6. **Timeliness.** Fairness and justice to the parties involved require that allegations of conflict of interest be resolved in a timely manner. Any deviation from the time guidelines given below should preserve the fair and appropriate handling of the investigation. When a departure from these time constraints is judged to be necessary, the reason for the departure must be documented and agreed to in writing by the parties involved.

7. **Documentation.** The investigation of an allegation of conflict of interest must be carefully documented starting with the initial allegation and proceeding through disposition and reporting of findings. Thorough documentation is important for several reasons, including potential legal proceedings that may follow from such cases. Every substantive aspect of the investigation must be documented. Personnel decisions or other actions arising from the disposition of the case need to be justified in the documentation.
8. **Organization.** There will be three stages involved in the handling of an allegation of conflict of interest. The first stage, which is the internal (Inquiry) stage, involves the gathering of facts as quietly and confidentially as possible with only the Provost and Vice Chancellor for Academic Affairs, the Inquiry Committee, and the faculty member(s) named in the allegation being informed of the proceedings. If the inquiry indicates that a formal investigation is warranted, then an Investigating Committee is formed as described below, and the second (Investigation) stage begins. At this stage, the Provost and Vice Chancellor for Academic Affairs informs the Chancellor that proceedings are underway. The third (Summary) stage involves actions taken by the Chancellor based on findings in the first two stages.
9. If in the inquiry stage it is found that a full investigation (second stage) is appropriate, then the University has the responsibility of informing various parties both within and external to the university community, including federal agencies such as the National Science Foundation (NSF) and Health and Human Services (HHS). Circumstances will dictate who needs to be informed, but the list may include: (1) department chairs, administrators, or other faculty who will be affected by the investigation; (2) persons who have been or are currently in collaboration with the accused; and (3) any agency that requires reporting under such circumstances. It is the responsibility of the Investigating Committee to determine the extent of such reporting at the outset of the official investigation.

Procedure for Handling an Allegation of Conflict of Interest

A. Overview

1. There are three stages in the handling of conflict of interest: Inquiry stage, Investigation stage, and Summary stage. The Inquiry stage begins with the initial allegation of conflict of interest and ends when the Provost and Vice Chancellor determines that the case does or does not warrant further action. The Investigation stage begins if and when it is decided that the case requires a full investigation and ends with a summary of findings as to the facts of the case and a recommendation for action forwarded to the Provost and Vice Chancellor. The Summary stage involves actions taken by the Chancellor based on the findings of the first two stages.
2. For purposes of consistency, a "day" is defined as a weekday during which

classes are normally in session. University holidays are not to be counted in the deadlines established in this document. Timelines for proceedings that extend over lengthy holidays may need to be modified as circumstances require. If so, these modifications must be documented and agreed to in writing by the parties involved.

B. Specific Procedures

Inquiry Stage

1. An allegation of conflict of interest should be directed to the Provost and Vice Chancellor for Academic Affairs. The Provost and Vice Chancellor for Academic Affairs determines, in consultation with the complainant, whether the charges are of a serious nature. This decision must be dated and documented in a specific file to be retained by the Provost and Vice Chancellor for Academic Affairs. The department chair or the faculty member(s) named in the allegation are informed of the matter at this time.
2. Upon finding that the complaint deserves further examination, the Provost and Vice Chancellor for Academic Affairs should initiate the Inquiry stage. This stage should be concluded within 30 work days.
3. The Inquiry Committee is to be formed by the Provost and Vice Chancellor for Academic Affairs. This committee may include the department chair involved and faculty members who may have knowledge concerning the present matter. Decisions to involve or not involve other parties in the inquiry must be made in light of the need to avoid real or apparent conflicts of interest and to maintain appropriate confidentiality.
4. The Provost and Vice Chancellor for Academic Affairs will name one of the committee members to serve as chair. This individual will coordinate the collection of documents, correspondence, and all other appropriate materials that are necessary for conducting the inquiry.
5. The faculty member(s) named in the allegation must be notified of the initiation of the proceedings.
6. The accused has a right to attend the Inquiry meetings at which evidence is presented and discussed, and to examine and respond to any evidence or testimony presented. A discussion of the allegation with the accused should be one of the first elements of the Inquiry Committee proceedings. The accused may not attend the final meeting of the Inquiry Committee at which a decision is reached as to whether the allegation warrants a formal investigation. However, no new evidence used against the accused may be presented or discussed at this final meeting. Within these limits, Inquiry Committee meetings may be attended only by Inquiry Committee members, the accused, persons presenting evidence or testimony, and others who have, in the judgment of the Provost and Vice Chancellor for Academic Affairs, a substantive and demonstrable need to know. The Inquiry shall be conducted

under the strictest confidentiality possible.

7. If the Inquiry Committee finds that a full investigation of the allegation is not warranted, then any reference to the allegation must be removed from the faculty or staff member's personnel file, as well as from any special files pertaining to this matter. All documentation regarding the allegation must be destroyed by the Provost and Vice Chancellor for Academic Affairs.
8. If the Inquiry Committee finds that a full investigation of the allegation is warranted, the Chancellor should (a) appoint an ad hoc committee (composed as described below) to conduct an investigation; (b) take appropriate action to preserve and protect any data, records, or evidence pertaining to the case; (c) notify the individual(s) involved of the proceedings being initiated and of their opportunity to appear before the committee in their own defense; and (d) report the initiation of the investigation to any pertinent people/organizations that may be involved. The Chancellor may require that the accused individual(s) temporarily cease alleged conflict of interest activities if it is determined that a continuation of such activities may result in risk or harm to parties involved.

Investigation Stage

1. The Chair of the Investigating Committee is to be designated by the Chancellor. The nature of the conflict of interest, possible conflicting interest of the designee, and departmental or administrative concerns will guide the choice of this individual.
2. The Investigating Committee should be composed of five members including: (a) the appointed chair; (b) one member representing the Faculty Senate; (c) one member representing the Faculty Development and Welfare Subcommittee; and (d) two faculty members with particular knowledge concerning the potential conflict of interest. The Chancellor and the Chair of the Investigating Committee will confer on the four appointments (other than the Committee Chair) to assure that the committee includes faculty with the particular expertise relevant to the nature of the allegation. These appointments shall be full-time faculty members who have no apparent conflicts of interest and who are deemed qualified and appropriate to work in this capacity.
3. The Committee shall conduct a prompt and thorough investigation in order to ascertain whether the individual has violated this policy, and if so, to what extent. Early in the course of the investigation, the committee shall discuss the matter in confidence with accused individual and with all persons with whom the accused has collaborated in relation to the conflict under review. Throughout the investigation, the Committee shall be sensitive to the effects

of the proceedings on the individual, protecting the rights of the accused, and avoiding disclosure except to individuals who need to be involved in the investigation.

4. One or more hearings shall be conducted by the Investigating Committee in which information and evidence relevant to the allegation are presented, discussed and evaluated. It is the responsibility of the Committee chair to schedule and conduct the hearing(s) as well as to provide relevant evidence, documents, and recorded testimony to Committee members. Interviews with those having special knowledge relevant to the allegation may take place in the hearing(s), as well as a review of written documents, raw data or computer files, and transcripts of testimony or discussion from previous hearings and interviews.
5. The accused individual has the right to attend these hearings, to examine all documents or evidence used to question persons being interviewed, and to introduce any evidence, documents, or interviews in support of the views of the accused. At the conclusion of the hearings, a separate meeting of the Investigating Committee shall be conducted to reach a decision as to the facts of the case. The accused individual may not be present at this final meeting, and no new evidence of any sort may be presented at this meeting. The accused individual must have access to all information used by the Committee, and must be given the opportunity to respond to that information.
6. The hearings may be attended only by those whose presence is required. This would normally include members of the Investigating Committee, the accused individual, and persons needed to present evidence or testimony. Others may be permitted to attend on a need-to-know basis at the discretion of the chair of the Investigating Committee in consultation with the Chancellor if necessary.
7. The scope of the investigation shall be at the discretion of the Committee chair according to the charge and the facts. The Committee shall consider only such evidence as is presented at the hearing(s). The Committee shall use its judgment in deciding whether the evidence presented is fair and reliable. A written transcript shall be kept of all proceedings in which evidence is presented. Upon request, a copy of this transcript will be furnished to the accused faculty member at the University's expense.
8. Within 30 days of the beginning of the official investigation, the Investigating Committee must produce a preliminary report to which the accused individual may respond, in writing, before final recommendations are made. A period of 15 work days is allowed for a response from the accused unless it is determined by the Committee chair that more time is needed to ensure fair and appropriate handling of the matter. The specifics of any agreement to alter this timing must be documented and signed by the accused, the Committee chair, and the Chancellor.

9. Within 60 work days from the beginning of the Investigation stage, the Investigating Committee must submit to the Chancellor a written report which describes its findings as to the facts of the matter. This report should specify whether a majority of the Committee believes that the accused individual has or has not engaged in a conflict of interest. If a majority of the Committee has determined that a substantive violation has occurred, the report should address the extent and seriousness of the violation. The report should also recommend a course of action to the Chancellor. Such actions may involve personnel decisions, sanctions, notifications of appropriate organizations (including federal agencies such as NSF and HHS), notification of collaborators, or any other appropriate actions. In the management of conflict of interest, it may be necessary to require public disclosure of significant financial interests, monitoring of research by independent reviewers, modification of the research plan, disqualification of participation in a funded project, and divestiture or severance of significant financial interest.

Appeal Process

The individual faculty member may appeal the decision reached in the above process through the standard faculty committees: the Faculty Grievance Committee or the Faculty Hearing Committee, as appropriate. Faculty members who feel that they have cause for a grievance in any matter other than suspension, discharge, nonreappointment (including denial of permanent tenure) or termination, which are under the jurisdiction of the Faculty Hearing Committee may submit a petition for redress to the Faculty Grievance Committee.

**The University of North Carolina at Pembroke
Academic Staff
Report of Non-University Activities**

The *Report of Non-University Activities* form is a part of the procedure for implementing The University of North Carolina at Pembroke's *Policies and Guidelines Concerning Conflicts of Interest and Commitment Affecting University Employment*. The purpose of the report is not to discourage outside activities, but to assist faculty in making sure that activities are compatible with University employment. Since outside professional activities of faculty and academic staff often enhance professional skills and serve the public, such activities are appropriate unless they give rise to a conflict of interest or commitment. Personal activities (those unrelated to professional skills) are generally not the University's concern unless they impinge upon service to the University.

For additional assistance, please contact the department chair or office director and the Office for Academic Affairs.

Name _____ Date _____

Title and Rank _____ Unit _____

I HAVE NO ACTIVITIES THAT I AM REQUIRED TO REPORT

(Please check **ONLY** if you have no possible conflicts of interest or commitment. Then proceed to Part II, and submit to your department chair or office director).

Part I Conflict of Interest Screening Questions

1. Do you or a member of your family have a managerial role or a significant financial relationship with a company that does business with the University?
Yes (*If so, please list and explain in an attached statement.*) No
2. Do you have non-University professional activities involving University students, staff, or facilities?
Yes (*If so, please list and explain in an attached statement.*) No
3. Do you or any other member of your family have any other relationships, commitments, research, activities, or significant financial or fiduciary interest that might present or appear to present a conflict of interest with your The University of North Carolina at Pembroke appointment?
Yes (*If so, please list and explain in an attached statement.*) No
4. Do any of the above activities result in providing income?
Yes (*If so, please complete the Notice of Intent to Engage in External Activities for Pay.*)
No

Part II Affirmation

In submitting this form, I affirm that the above information is true to the best of my knowledge and that I have read the University's policies and procedures on conflicts of interest contained in the *Faculty Handbook*.

Signature _____ Date _____
Please submit to your department chair or office director for administrative review and approval.

Administrative Review and Approval

If No Activity is Reported

No activity is reported and to the best of my knowledge no conflict of interest or commitment exists.

(Sign form. Retain one copy in departmental files and send one copy to the Office for Academic Affairs.)

If Any Activity is Reported

(Please complete the conflict of Interest Review section.)

Conflict of Interest Review

Based on the activity reported, and to the best of my knowledge and in my judgement:

No conflict of interest exists

A conflict of interest may exist, but does not appear to be significant *(If so, please attach an explanation and forward to Associate Vice Chancellor.)*

A conflict of interest may exist that warrants further review
(If so, please attach an explanation and forward to Associate Vice Chancellor.)

Please complete if question 2 on the front of the form is answered affirmatively:

As described by the academic staff member, the involvement of the University students and/or staff in his/her non-University activities does not appear to be detrimental to those individuals.

Agree

Disagree

(If so, please attach an explanation and forward to Associate Vice Chancellor.)

APPENDIX A
Definition of Significant Financial Interest

Significant Financial Interest means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties for such rights). The term does not include:

- (1) Salary, royalties, or other remuneration from the applicant institution;
- (2) Any ownership interests in the institution, if the institution is an applicant under the SBIR Program;
- (3) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- (4) Income from service on advisory committees or review panels for public or nonprofit entities;
- (5) An equity interest that when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than five percent ownership interest in any single entity; or
- (6) Salary, royalties or other payments that when aggregated for the Investigator and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.

APPENDIX B
Certification of Objectivity in Research

The University of North Carolina at Pembroke has in effect a written and enforced administrative process to identify and manage, reduce or eliminate significant financial interests as outlined in 42 CFR Part 50 (amended), article 50.605.

The University of North Carolina at Pembroke:

_____ has not found a significant financial interest in this research.

_____ has found a significant financial interest in this research. Actions will be taken prior to the award of funding to manage, reduce or eliminate that interest in accordance with 42 CFR Part 50; and will notify PHS of such action prior to issuance of the Notice of Grant Award.

Further, The University of North Carolina at Pembroke agrees to make information available, upon request, to Health and Human Services regarding all significant financial interests identified by the institution, and how those interests have been managed, reduced or eliminated to protect the research from bias.

Director, Office of Grants

Note: This certification page will be attached as an appendix to all PHS proposals per UNC-GA's request.