

UNIVERSITY OF NORTH CAROLINA  
**SCHOOL OF THE ARTS**

MEETING OF THE BOARD OF TRUSTEES

**Personnel Committee**

April 25, 2019  
University of North Carolina School of the Arts  
Hanes Student Commons, Room 301  
Winston-Salem, North Carolina

**COMMITTEE MEMBERS**

Phillip Horne\* (Chair), Ralph Womble\* (Ex-Officio), Erna Womble\*, Skip Dunn\*, Mark Land\*,  
Susi Hamilton (Ex Officio, Non-Voting)

**COMMITTEE STAFF**

Deb Carley (Staff), David Harrison (Staff), Amanda Balwah (Staff), Andrea Clemmer (Staff),  
Elizabeth White (Staff Council Representative), Kathryn Rowe (Staff Council Representative),  
Leslie Kamtman (Faculty Council Representative), Elizabeth Klaimon (Faculty Council  
Representative),

**AGENDA**

**OPEN SESSION**

1. Call to Order and Confirm Quorum.....Chairman Phillip Horne
2. Approval of Minutes from the Dec. 7, 2018 Meeting.....Chairman Phillip Horne
3. Nepotism Report.....Deb Carley
4. Policy 610 Revisions.....David Harrison
5. Management Flex Report.....Deb Carley

**CLOSED SESSION**

6. Faculty Rank.....David English
7. Ratification & Approval of  
Endowed Chairs & Distinguished Professors.....David English/Karen Beres
8. Emeritus Status.....Deb Carley

**OPEN SESSION**

- Other Business.....Committee Members & Staff
- Adjourn.....Chairman Phillip Horne

**OPEN MINUTES**

December 6, 2018  
University of North Carolina School of the Arts  
Hanes Student Commons, Room 301  
Winston-Salem, North Carolina

**TRUSTEES PRESENT**

Erna Womble (by phone), Michael Tiemann, Phillip Horne (Chair), Mark Land, Ralph Womble

**TRUSTEES ABSENT**

Skip Dunn, Susi Hamilton, ex officio

**COMMITTEE STAFF PRESENT**

James Lucas, Staff, Andrea Clemmer, Staff, David Harrison, Staff, Elizabeth White, Staff  
Council Representative, Katherine Rowe, Staff Council Representative,

**OTHERS PRESENT**

David English

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**CONVENE MEETING AND CONFIRM QUORUM**

Phillip Horne convened the December 6, 2018 Personnel Committee Meeting at 4:00 p.m. A quorum was confirmed.

**REVIEW OF MINUTES**

Phillip Horne asked the committee members to review the minutes from the September 20, 2018 meeting.

**TITLE IX UPDATES**

James Lucas gave an update on the transition of Title IX from Human Resources to General Council under the supervision of David Harrison. The campus recruiter is working to build a strong position description for the Title IX Coordinator position. The program will utilize 10-15 investigators.

**NEW HIRE UPDATES**

James Lucas gave an update of two key new hires since the September 20 meeting. William "Steve" Martin joins UNCSEA from Appalachian State University as the new Associate Vice Chancellor of Facilities Services. Katherine Johnson will join UNCSEA in January of 2019 as the Director of Media Relations and Communications.

## **BENEFITS UPDATE**

Andrea Clemmer shared with the committee a review of the retirement options available to UNCOSA benefit eligible employees. The committee expressed interest during the September meeting in learning how the State retirement plan compares to the retirement plans offered by competing organizations. UNCOSA benefits greatly from the pension plan still offered to State employees. The alternate Optional Retirement Plan provides a more flexible retirement option particularly favorable to employees who may not be planning to remain in state employment. Employees also have the option to participate in supplemental retirement plans and receive education on these plans during benefits orientation and open enrollment.

## **CLOSING REMARKS**

The Personnel Committee also expressed gratitude to James Lucas, who will retire January 31, 2019, for his hard work and dedication to UNCOSA, thanking him for his services and elevation of standards and best practices during his time with the university.

## **ADJOURNMENT**

With no further business to discuss, the Personnel Committee meeting was adjourned.

**AGENDA ITEM**

Annual Nepotism Report.....Deb Carley

**Summary:**

UNCSA Policy # 608: Nepotism

In accordance with UNCSA policy #608, Nepotism is reported on annually during the April Board of Trustees meeting. During the 2018-2019 school year, there were no hires or realignment of supervision that raised any concerns of nepotism for the UNCSA campus.

**Action:** This report is for informational purposes only.

**AGENDA ITEM**

Policy 610 Revisions.....David Harrison

**Summary:** The following revisions to Policy #610 were mandated by the UNC System Office:

- Primacy of Duties (IV.A.1.c)
  - Limits the amount of time spent on External Professional Activities for Pay during appointment. External Professional Activities for Pay should generally be limited to no more than the equivalent of 20 percent (20%) of the Covered Employee's contracted time, during the appointment.
  
- Exceptions (IV.C.5.b)
  - Defines types of activities considered secondary university responsibilities and therefore not covered under the EPAP regulation. The Notice of Intent to Engage in External Professional Activities for Pay process is not required in cases where the Covered Employee may receive honorarium from service on advisory committees, review panels or speaking activities (e.g. seminars, lectures, or teaching engagements) conducted for Federal, state or local government agencies, other institutions of higher education, including an academic teaching hospital, medical center or research institution that is affiliated with an institution of higher education) or in which the activity has been determined to be a secondary duty by the Constituent Institution. Consulting or other activities remain subject to the Notice of Intent to Engage in External Professional Activities for Pay process.

**Action:** The revisions to Policy #610 require board approval.

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS  
External Professional Activities for Pay Policy  
Policy #610

Source of Authority: *UNC Policy Manual* § 300.2.2 Revision Authority: Board of Trustees  
History: First Issued: February 17, 2011

Related Policies: North Carolina State Government Ethics Act, N.C.G.S. Chapter 138A;  
*UNC Policy Manual* § 200.1;  
*UNC Policy Manual* § 300.2.2;  
Conflicts of Interest (Employees) Policy #603;  
Facilities Use Policy #402;  
Improper Activities Reporting Policy #114;  
Secondary Employment Policy #627

Responsible Offices: Chancellor

Effective Date: February 17, 2011

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Chief Operating Officer

I. Purpose

This policy complies with the Board of Governor’s mandate that each constituent institution adopt policies and procedures regarding conflicts of interest, conflicts of commitment, and External Professional Activities for Pay. This policy adopts the general guiding principles and restrictions in Board of Governors Policy Manual section 300.

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II. Scope

This policy applies to UNCSA EHRA employees, including faculty and non-faculty EHRA.

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III. Definitions

- A. “Conflict of Commitment” relates to an individual’s distribution of efforts between obligations to one’s UNCSA employment and one’s participation in other activities outside of their UNCSA employment, including such generally encouraged extensions of professional expertise as professional consulting. A conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time, or is conducted at a time that interferes with the employee’s obligations to students, colleagues, and to UNCSA’s missions.
- B. “Conventional Work Week” means the hours of 8:00 AM to 5:00 PM, Monday through Friday.
- C. “Department Head” means the supervisor for the particular UNCSA unit, as illustrated by the UNCSA Organizational Chart. The Department Head for a particular UNCSA unit may be the Chancellor, Vice Chancellors, Deans, Directors, or Chief Officers.
- D. “External Professional Activities for Pay” means any activity that is 1) not included within one’s UNCSA employment responsibilities; 2) performed for any entity, public or

private, other than UNCSA; 3) undertaken for compensation; and 4) based upon the professional knowledge, experience and abilities of the employee.

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 his or her office and publicly accessible facilities such as University libraries in that connection with the external activities; however, an office shall not be used as the site for compensated appointments with clients, (e.g., for counseling or instruction).

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F. "Primary Duties" consist of assigned teaching, scholarship, research, institutional service requirements, and other assigned employment duties.

G. "Secondary Duties" consist of professional affiliations and activities traditionally undertaken by EHRA employees outside of the immediate University employment context that contribute 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.

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H. "UNCSA Employment Responsibilities" include both "primary duties" and "secondary duties."

IV. Policy A.

Generally

1. Primacy of Duties

a. UNCSA employees are expected to devote their primary professional loyalty, time, and energy to their teaching, research, service and other UNCSA Employment Responsibilities.

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b. Outside activities and financial interests must be arranged to not interfere with the primacy of the employee's commitments to UNCSA.

c. External Professional Activities for Pay should generally be limited to no more than the equivalent of 20 percent (20%) of the employee's contracted time during the appointment. Exceptions require Provost approval.

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d. The ability to engage in External Professional Activities for Pay is not a right, it is a privilege; and, participation in this privilege must be conditioned upon the academic and administrative needs of the UNCSA unit, the overall needs of the institution, and the proper use of State resources. Thus, the Department Head has the initial approval authority, taking into account the teaching and administrative loads of those involved, and the requirements and responsibilities of the individual employee's performance, position, and duties in relation to the UNCSA unit.

- 2. Activities for pay not involving the employee's professional knowledge, experience and abilities are not subject to the advance disclosure and approval requirements of this policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary UNCSCA employment responsibilities, conflicts of interest, inappropriate uses of the University name or resources, or claims that UNCSCA is responsible for the activity.
- 3. External professional activities for pay performed for another institution or agency of the State of North Carolina also must comply with UNCSCA and State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the Chancellor or the President.
- 4. Employee's external activities for pay may also be subject to UNC and UNCSCA's policies regarding political activities.

**B. Permissibility.** External Professional Activities for Pay may only be undertaken if they do not:

- 1. Create a conflict of commitment by interfering with the employee's obligation to carry out his/her UNCSCA Employment Responsibilities in a timely and effective manner;
- 2. Create a conflict of interest vis-a-vis the individual's status as a UNCSCA employee;
- 3. Involve any inappropriate use or exploitation of University resources;
- 4. Make any use of the name of the University of North Carolina or UNCSCA 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.

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**C. Notice of Intent**

- 1. Any employee who plans to engage in External Professional Activity for Pay shall complete and file the "Notice of Intent to Engage in External Professional Activity for Pay" ("Notice of Intent") no less than 10 calendar days before the date the proposed activity is to begin. A Notice of Intent may be filed within 10 calendar days of the proposed activities beginning date under exceptional circumstances.
- 2. An employee must file a separate Notice of Intent with his/her Department Head for each and every activity in which an employee proposes to engage.
- 3. Approval
  - a. An employee must receive written approval from the appropriate administrator prior to engaging in an external activity for pay.
  - b. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance remaining as of the date of approval of either:
    - i. the fiscal year if the employee is a 12-month employee or an employee with contract service periods that include the summer session

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- ii. the academic year if the employee is a 9-month employee with no summer session contract period
- c. 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 (10) days before engaging the activity in the succeeding relevant year.

4. Appeals

- a. In the event that the employee's Department Head denies the employee's proposed activity, the employee may appeal the Department Head's decision to the Department Head's supervisor.
- b. If a direct report to the Chancellor made the initial determination to deny the proposed activity, the employee may appeal to the Chancellor.
- c. All appeals must be made in writing.
- d. The decision of the administrator considering the appeal is final.

5. Exceptions

- a. This section regarding Notices of Intent, may not apply to EHRA employees serving on academic year (9-month) contracts, if
  - 1 the External Professional Activity for Pay is wholly performed and completed outside of the academic year;
  - 2 the activity does not conflict with UNC or UNCSEA policy; AND
  - 3 the activity is not conducted concurrently with a contract service period for teaching, research, or other services to UNCSEA during a summer session.
- b. The Notice of Intent to Engage in External Professional Activities for Pay process is not required in cases where the employee may receive honorarium from service on advisory committees, review panels or speaking activities (e.g. seminars, lectures, or teaching engagements) conducted for Federal, state or local government agencies, other institutions of higher education, including an academic teaching hospital, medical center or research institution that is affiliated with an institution of higher education) or in which the activity has been determined to be a secondary duty by UNCSEA. Consulting or other activities remain subject to the Notice of Intent to Engage in External Professional Activities for Pay process

D. Honorarium

- 1. When State-reimbursed travel, work time, or resources are used or when the activity can be construed as related to the employee's State position or official duties on behalf of the State, the employee shall not receive an honorarium or the employee may request that the honorarium be paid to the University.
- 2. Employees may only retain an honorarium for activities performed during nonworking hours or while the employee is on annual leave, if all expenses relating to

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the activity are the responsibility of the employee or a third party that is not a State entity and the activity has no relation to the employee's State duties.

- 3. Employees who are exempt from the Fair Labor Standards Act and who are out of work due to an External Professional Activity for Pay, or who wish to retain an honorarium, may choose to use periodic uncompensated leave rather than annual leave.

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- E. Use of Other Employees. Under no circumstances may a Department Head use the services of a supervised employee during University employment time to advance the Department Head's External Professional Activities for Pay.

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F. Pursuit of Private Interests by SAAOs in Which Activities are Compensated

- 1. If an SAAO engages in an activity which earns the SAAO external income, and the activity is not part of the employee's UNCSA employment responsibilities, the employee must use annual leave for activities occurring during the conventional work week.
- 2. Regardless of if annual leave is used by an SAAO to pursue a private interest, the SAAO must file appropriate Notices of Intent pursuant to this property.

G. Reporting

- 1. Departmental summaries of all "Notices of Intent" filed and of actions taken in response during the preceding fiscal year shall be submitted by Department Heads to the Chancellor's Office each July.
- 2. The Chancellor's Office will forward these summaries on to General Administration annually, upon General Administration's request.

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- H. Discipline. Failure of an employee to meet his/her full-time UNCSA employment responsibilities or otherwise abide by this policy may constitute "neglect of duty" and be grounds for disciplinary action, up to and including discharge.

V. Revision History

- A. February 17, 2011 – Adopted by Board of Trustees as part of UNCSA Policy Manual

Procedure #610

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS  
External Activities for Pay Procedures  
Procedure #610

I. Filing a Notice of Intent Procedures

A. The employee completes the Notice of Intent form and submits the form to his/her Department Head.

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B. The employee's Department Head reviews the Notice of Intent and notifies the employee of his/her determination within 10 calendar days of the date the "Notice of Intent" is filed.

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1. If the Department Head determines the activity to be consistent with University policy, the Department Head signs in Section 1 of the Notice of Intent and the employee may engage in the activity.

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2. If the Department Head determines the activity to be inconsistent with University policy, the Department Head signs in Section 2 of the Notice of Intent and the employee may not engage in the activity pending further action on appeal.

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a. The employee must file a written notice of appeal to the appropriate administrator within 10 calendar days of receiving notice of the Department Head's decision.

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b. The decision regarding the employee's appeal will be made within 10 calendar days of receiving notice of the appeal.

C. The original copy of the Notice of Intent should be forwarded, as appropriate for approval, if necessary, and filing in the employee's personnel file.

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**AGENDA ITEM**

Management Flex Report.....Deb Carley

**Summary:**

The Management Flex Report covers the Fiscal year July 2017 – June 2018 and includes information on the new and continuing EHRA appointments, salary and non-salary compensation for those new and continuing appointments, conferral of tenure, analysis of equity issues and any audit findings.

It is policy of the UNC System Office that the Board of Trustees be made aware of the information in the submitted report.

**Action:** This report is for informational purposes only.