

NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

P. O. Box 5067, RALEIGH, N. C. 27607

OFFICE OF THE PROVOST AND VICE-CHANCELLOR

October 15, 1975

MEMORANDUM

TO: Ms. Lyn Broadwell  
Mr. H. Leo Buckmaster  
✓ Dr. Larry Clark  
Mr. Bill Calloway  
Dr. Thomas H. Stafford, Jr.

FROM: Marvin H. Gehle *Marvin H. Gehle*

SUBJECT: Information for OCR Manuals

I recently received this attached material from Dr. Allen Barwick of the UNC-GA. Would you please add this to your manuals?

Please contact me if you have any questions.

MHC:jc  
Attachments

## THE UNIVERSITY OF NORTH CAROLINA

General Administration

P O BOX 2688

CHAPEL HILL 27514

WILLIAM FRIDAY  
President

TELEPHONE (919) 973-1111

February 13, 1981

## MEMORANDUM

TO: The Chancellors

FROM: William Friday

CC: Dr. Winstear  
 Dr. Talley  
 Dr. Clark  
 Dr. C.L. Jenk

At its meeting on February 13, the Board of Governors adopted personnel policies for certain University employees exempt from the State Personnel Act. A copy of these policies as enacted by the Board is attached.

An analysis of considerations that must receive attention by each campus in connection with the transition to this new system of personnel administration will be furnished to you in the near future. I wish to call special attention now to two matters:

1. At the earliest practicable time, your Board of Trustees should adopt institutional policies, as prescribed by Section IX, in order that those policies may be implemented by the September 1, 1981 deadline. In that connection, please note that your draft of proposed institutional policies is to be submitted first to me, to determine its consistency with Board of Governors prescriptions, before action by your Board of Trustees. Since regular meetings of the Boards of Trustees are infrequent, it is important that you and your colleagues complete work on draft policies as soon as possible. We shall review your drafts promptly, so that the proposal may be submitted to your Board in a timely manner and with confidence that, if enacted in the form approved by this office, there will be no question about the sufficiency of the policies adopted by the Board of Trustees. Depending on the schedules established for regular meetings of the respective Boards of Trustees, it is possible that in some instances a special meeting may have to be scheduled for transaction of this business, in order to comply with the September 1 deadline.
2. The subject of annual leave, addressed in Section VII.B. of the Board of Governors enactment, includes a time requirement and certain procedural directions that must be observed as of February 13, 1981 (independent of the later deadline for implementation of the comprehensive institutional policies, on or before September 1). That section distinguishes between incumbent employees as of February 13, 1981 and new hires after February 13, 1981, for purposes of computing annual leave entitlement, as follows:
  - (a) With respect to any employee hired to fill a covered position after February 13, annual leave entitlement is to be computed in accordance with the new schedule prescribed by Section VII,

subject to an exception of the type permitted by Section VII.B.2.b. In order to grant an exception, the Chancellor must so recommend on the basis of his determination that the affected new employee presents special considerations of the type identified in the policies of the Board of Governors, viz., previous related professional experience or other compelling circumstance. The Chancellor's recommendation must be submitted to and approved by the Board of Trustees, or by a committee of the Board of Trustees designated to act on behalf of the Board of Trustees; if such a special committee is to be used to facilitate the processing of recommendations from the Chancellor, the full Board of Trustees should be asked promptly to appoint and authorize such a committee to act. Finally, any special exception granted under this arrangement is to be reported by you to the Vice President for Academic Affairs, following action by the Board of Trustees (or by its committee).

- (b) With respect to an incumbent employee occupying a covered position as of February 13, Section VII.B.2.a. provides that the institution shall honor an existing contractual commitment to the employee that provides for annual leave more extensive than that otherwise prescribed by the new schedule established by Section VII. The contractual commitment relied upon in support of the more extensive leave entitlement must be evidenced by a document to be included in the affected employee's personnel file; the document must identify (1) the date on which the commitment was made, (2) the identity of the person making the commitment, and (3) the numbers of work days of annual leave prescribed by the previous contractual commitment. If no identifiable commitment was made to an affected employee, that employee's annual leave entitlement shall be computed in accordance with the schedule established by Section VII.B.1.

Any questions about these instructions should be addressed to Mr. Richard Robinson.

Attachment

EMPLOYMENT POLICIES  
FOR  
UNIVERSITY EMPLOYEES  
EXEMPT FROM THE STATE PERSONNEL ACT

I. Scope and Applicability of Employment Covered by These Policies

A. Scope of category

Employment positions within constituent institutions of The University that are covered by these Policies (hereinafter "covered positions") are those positions that are not subject to the State Personnel Act (G.S. Chapter 126) and are not otherwise categorized. This category does not include: (1) faculty positions subject to institutional tenure regulations; (2) positions within administrative categories of employment subject to G.S. 116-11(4), G.S. 116-11(5), or G.S. 116-14; (3) positions within the "physicians or dentists" category under G.S. 126-5; and (4) University students who are employed incident to their status as students, as in graduate teaching assistantships or work-study positions.

Those areas of institutional activity (as identified in the UNIFORM CHART OF ACCOUNTS) that may include covered positions are:

Instruction  
Organized Research  
Agricultural Research Service  
Agricultural Extension Service  
Public Service  
Academic Support  
Student Services  
Institutional Support  
Area Health Education Centers  
Library

B. Applicability of policies

These Policies apply to all permanent covered positions.

II. Appointments to Covered Positions

- A. Every appointment to a covered position within a constituent institution shall be made by the Chancellor by means of a letter of appointment that fulfills the requirements of this Section II.
- B. Every letter of appointment to a covered position shall include: (1) the title of the position; (2) the initial salary; (3) provision for periodic review of compensation<sup>1</sup>; (4) provisions consistent with Sections II.C. and II.D., below, if contingencies based on availability of funding are applicable; (5) the annual leave entitlement of the employee; (6) notice that the employment conferred is either for a stated definite term or is an "employment at will" subject to continuation or discontinuation at the discretion of the Chancellor; and (7) notice that the employment is subject to these Policies (viz., institutional policies adopted pursuant to Section IX of these Policies), as originally adopted and as they may be periodically revised from time to time, and a copy of the institutional policies shall be attached to the letter of appointment.
- C. When a covered position is funded in whole or substantial part from sources other than continuing State budget funds or permanent trust accounts, the letter of appointment shall state that continuation of the employee's service in that position is contingent upon the continuing availability of funds from such other sources to support that position, shall specify the source of such funds, and shall state that the effect of such contingency may apply without the additional notice otherwise required by Section III.A., III.B., and III.C.; provided, that the

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<sup>1</sup>Subject to any compensation policies adopted by the Board of Governors or the Board of Trustees.

affected employee shall be informed at the earliest practicable date of the occurrence of such a funding contingency.

- D. 1. When an employee is to serve simultaneously in both a covered position and a position of University employment not covered by these Policies, with the result that two different prescriptions may appear to obtain with respect to a particular condition of employment or a right or responsibility of the employee, one position shall be designated the base position to determine the conditions of employment and the rights and responsibilities of the employee. If appointment to a covered positions occurs subsequent to appointment to a position not covered by these Policies, the letter of appointment to the covered position shall embody the required designation of base employment; conversely, if appointment to a covered position precedes appointment to the other category of University employment, the letter of appointment or contract establishing the second employment shall embody the required designation of base employment. In either case, the designation of base employment shall specifically describe the different rights, duties, and compensation for each position and the relationship, if any, between the two positions.
2. Any funding contingency of the type referred to in Section II.C. shall be set forth separately for the covered position and for the other position, since the operation of any such contingencies may be independent.
3. When an appointment to a covered position is to be accompanied by appointment to a faculty position that is intended to be nominal or

honorary, or to create a faculty affiliation not entailing significant duties or compensation, the term "adjunct," or similar nomenclature, shall be used to identify the faculty appointment.

III. Discontinuations of Employment in Covered Positions

A. Discontinuation of appointment, with notice

Employment within a covered position that is established by the letter of appointment to be an employment at will is subject to discontinuation at any time at the discretion of the Chancellor; provided, that such a discontinuation (as distinguished from discharge for cause, Section III.D.) shall be subject to advance timely notice of discontinuation, as follows: (1) During the first year of service, not less than 30 days notice prior to discontinuation of employment; (2) during the second and third years of service, not less than 60 days notice prior to discontinuation of employment; and (3) during the fourth and all subsequent years of continuous service, not less than 90 days notice prior to discontinuation of employment.

B. Expiration of term appointment

Employment within a covered position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be renewed or extended at the option of the employer, by written notice satisfying the requirements of Section II. If the employer intends not to renew or extend the term contract, (1) with respect to a term of one year or less, no notice of intent not to renew shall be required; (2) with respect to a term of more than one year but less than four years, notice of intent not to renew shall be transmitted in writing at least 60 days prior to

the expiration date of the term; (3) with respect to a term of four years or more, notice of intent not to renew shall be transmitted in writing at least 90 days prior to the expiration date of the term. Failure to provide written notice as required in subsections (2) and (3) shall result in the automatic extension of employment for a period, respectively, of either 60 days or 90 days, beyond the scheduled expiration date of the term.

C. Termination of employment because of financial exigency or program curtailment or elimination

Employment within a covered position that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a program. "Financial exigency" is defined to mean a significant decline in financial resources of the University that compels a reduction in the institution's budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or an elimination of a program shall be made by the Chancellor, with advance notice to and approval by the President and the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the contractual obligation to an employee within a covered position cannot be met, the employment of the individual may be terminated, subject to the following notice requirements: (1) during the first year of service, not less than 30 days notice prior to termination; (2) during the second and third years of employment, not less than 60 days notice prior to termination; and (3) during the fourth and all subsequent years of service, not less than 90 days notice prior to termination.



D. Discharge for cause

Any employee occupying a covered position may be discharged for stated cause. Discharge for cause is to be distinguished from discontinuation with notice (Section III.A.), automatic expiration of term (Section III.B.) and termination (Section III.C.). Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the grievance procedures of Section IV. of these Policies. When an employee occupying a covered position has been notified of the intention to discharge him for cause, the Chancellor may suspend his employment at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein; the power to suspend shall be invoked only in exceptional circumstances and such suspension shall be with full pay.

IV. Review of Employment Decisions and Grievances

Each constituent institution shall adopt and publicize procedures under which employees in covered positions may secure review of decisions concerning discharge for cause or other disciplinary action, or of grievances concerning the interpretation and application of any provision of these Policies; provided, however, that grievances concerning discontinuations or terminations of employment with notice, pursuant to Sections III.A., III.B., or III.C., may be brought only upon allegations of violations of applicable notice requirements

or violations of any provision of Section V. or VI. of these Policies. Review of Decisions reached pursuant to such grievance procedures may be had in accordance with the provisions of Section 501C(4) of the University Code.

V. Equal Employment Opportunity

It is the policy and intention of The University of North Carolina that there be equal employment opportunity and freedom from unlawful discrimination in all employment within The University. There shall be no discrimination in covered positions on the basis of race, color, national origin, sex, religion, handicap, or age.<sup>2</sup> Employment in covered positions shall be conducted in accordance with all provisions of state or federal law or regulation prohibiting any such discrimination, and in accordance with applicable affirmative action plans.

VI. Protected Activity

Employment in covered positions shall not be adversely affected by the exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in covered positions shall be subject to any limitations on political activity established by Article 5 of G.S. Chapter 126. The Board of Governors' Policy in this regard, as adopted on January 16, 1976 and as it may be revised from time to time, shall apply to covered positions.

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<sup>2</sup>Bona fide occupational qualifications or other exceptions to those general prohibitions, specifically provided for by State or Federal law, may be applied to covered positions.

VII. Holiday and Leave Entitlement

A. Holidays

Employees in covered positions shall be subject to the same State-prescribed holidays given employees subject to the State Personnel Act.

B. Annual leave

1. Basic leave policy

The amount of annual leave to which employees in covered positions shall be entitled is to be determined in accordance with the schedule set forth in Attachment A to these Policies. The scheduling of an employee's annual leave shall be subject to the approval of his or her supervisor. The maximum number of unused days of annual leave that may be accrued and carried forward from one year to the next shall be 30 work days; an employee in a covered position who has accrued such unused annual leave as of the date of discontinuation of employment shall be paid for such unused annual leave, subject to the prescribed maximum of 30 such days.

2. Exceptions to basic leave policy

- a. With respect to an incumbent employee occupying a covered position as of the date on which these Policies are adopted by the Board of Governors, if the employee's currently effective contract of employment specifies a period of annual leave more extensive than that to which the employee would be entitled under the provisions of Attachment A, the contractual commitment shall be honored; provided, that in no case shall maximum annual leave exceed 24 work days per year ("year" to mean the 12-month period dated from the employee's date of initial employment).

- b. With respect to a person first employed in a covered position after the date on which these Policies are adopted by the Board of Governors, an exception may be made to grant annual leave entitlement in excess of that prescribed by the terms of Attachment A; such an exception must be based on an express finding that the extent of previous related professional experience of the affected employee or other compelling circumstance warrants such an exception; the granting of the exception must be recommended by the Chancellor and approved by the Board of Trustees or its designated committee; and such exceptional leave entitlement may not exceed either 24 work days per year or the amount of annual leave to which the employee was entitled in the employment held immediately preceding appointment to the University covered position, whichever is less.
- c. Each exception granted pursuant to either subsection a. or subsection b. shall be reported to the President, in accordance with administrative directions to be issued by the President.

C. Sick leave, maternity leave, civil leave, and military leave

Employees in covered positions shall be subject to the same provisions concerning sick leave, maternity leave, civil leave, and military leave as are applicable to employees subject to the State Personnel Act.

D. Leave of absence without pay

Employees in covered positions may request leave of absence, without pay, subject to approval of such leave by the Chancellor.

E. Educational entitlement

Employees in covered positions are entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred by N.C. G.S. 116-143.

VIII. Statutory and Other Rules of Employment

A. Privacy of personnel records

Employees in covered positions enjoy the protections of and are subject to the provisions of Article 7 of G.S. 126, entitled "The Privacy of State Employee Personnel Records."

B. Employment preference for veterans

Employees in covered positions enjoy the protections of and are subject to the provisions of G.S. 128-15 and 128-15.J, which provide for preference in employment for veterans of United States military service and their spouses and widows or widowers.

C. Employment of related persons

Employees in covered positions are subject to the Policy concerning employment of related persons as adopted by the Board of Governors on April 13, 1972, and as it may be revised from time to time.

D. Retirement

Employees in covered positions are subject to the provisions of Chapter 135 of the North Carolina General Statutes, entitled "Retirement System of Teachers and State employees."

IX. Implementation

The Board of Trustees of each constituent institution shall adopt for the institution personnel policies for covered positions within the institution that are consistent with all provisions of these Policies. Any proposed provision in an institutional policy statement that in any manner adds to or modifies the provisions of these Policies must be submitted for review and approved by the President prior to its adoption and implementation.

X. Effective Date

The effective date of institutional policies adopted pursuant to Section IX. shall be September 1, 1981.

ATTACHMENT A

Annual Leave Entitlement for Covered Positions

All permanent employees shall earn entitlement to annual paid leave in accordance with the following schedule, which is stated in terms of regular full-time employment and which is to be adjusted proportionately for part-time employment:

<u>Years of Aggregate Service in State Employment</u>	<u>Work Days Earned in One Year</u>
Less than two years	10
Two but less than five years	12
Five but less than ten years	15
Ten but less than fifteen years	18
Fifteen but less than twenty years	21
Twenty years or more	24

DRAFT

January 12, 1984

MEMORANDUM

TO: Dr. Rich Howard  
Director of Institutional Research

FROM: Larry M. Clark  
Murray S. Downs

SUBJECT: Request for Information on Student Academic Performance

In our efforts to increase the retention rate of our undergraduate students in general and our black students in particular, there are several studies which would be most helpful to us in understanding what is happening to these students in their first year or so at NCSU. Specifically, ~~w~~<sup>we</sup> would like to see the following information:

1. For the fall, 1983, freshman class, what effects did our math placement activities have last semester? ~~w~~<sup>we</sup> understand Jeff Hunter is already working on a study of this subject.
2. For the fall, 1983, freshman class, how did our English placement activities work out? Is there any evidence to suggest new freshmen are performing better in their first English courses than they have in recent years?
3. A couple of years ago, the Office of Institutional Research provided us with a listing of the ten most difficult courses which freshmen took in their first semester of enrollment. ~~w~~<sup>we</sup> would like to see that study repeated in order to find out how that list might have changed.
4. How many freshmen did we have last fall who took Chemistry 101 even though they were not enrolled in MA 102 or had not completed MA 102? <sup>111</sup> How did they perform in CH 101 as compared to those who took CH 101 and MA 102 concurrently?
5. Finally, we have designed the attached form which we believe will be useful in understanding how our new suspension policy is affecting black students. While it looks somewhat complicated, I don't think it will be too difficult to complete. Perhaps, it would be best to work with these students' transcripts, which could be



divided into groups to represent each of the cells. Then, if additional questions come up about these students, we can refer back to their transcripts.

We believe the studies listed above will be useful in planning policies and procedures for undergraduate students, and particularly freshmen. Thank you for your assistance.

LC:

Attachment

cc: Dr. Nash Winstead

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THE UNIVERSITY OF NORTH CAROLINA  
OFFICE OF THE PRESIDENT

# ADMINISTRATIVE MEMORANDUM

SUBJECT Amendment of  
University Retirement Policies

NUMBER 247

DATE May 14, 1987

RECEIVED

MAY 18 1987

CHANCELLORS OFFICE  
NCSU

On May 8, 1987, the Board of Governors amended retirement policies applicable to two groups of University employees, to comply with changes in controlling federal law on this subject.

With respect to faculty members, the Board amended Section 606 of the Code to read as follows:

## SECTION 606. RETIREMENT OF FACULTY

- (1) Each member of the faculty who does not have permanent tenure may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes ("Retirement System of Teachers and State Employees").
- (2) Each member of the faculty who has permanent tenure shall retire on July 1 coincident with or next following his or her seventieth birthday, except as provided in subsection (3), below.
- (3) A faculty member who has permanent tenure may be continued in employment beyond the retirement date specified in subsection (2) upon recommendation of the Chancellor and approval of the Board of Trustees; provided, that such continuation in employment may be accomplished only through a term appointment or a series of term appointments, with each such term appointment not to exceed one year in duration.
- (4) Subsections (2) and (3) of this Section are repealed as of December 31, 1993.

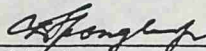
Relevant portions of institutional tenure policies and regulations must be changed by the Board of Trustees to reflect this amendment. However, this change in University policy is effective immediately, retroactive to January 1, 1987.

With respect to University employees exempt from the State Personnel Act (policy of the Board of Governors adopted on February 13, 1981, as amended on September 14, 1984), the Board amended Section VIII.D. of the applicable policy to read as follows:

Retirement

Employees in covered positions may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes ("Retirement System of Teachers and State Employees").

This change also is effective immediately, retroactive to January, 1987, and appropriate modifications in the corresponding institutional policy on this subject also must be adopted by the Board of Trustees in due course.

  
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C.D. Spangler, Jr.

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## NORTH CAROLINA STATE UNIVERSITY

Guidelines and Procedures for Determining Ownership  
of Computer SoftwareINTRODUCTION

Many faculty, staff and students at N. C. State University are creating computer programs. In many cases there is a demand for these works outside the University. There has been no procedure for authors of software to use in seeking help from within the University for distribution, licensing, or sale of these works. In order to support the creative development of innovative software by university faculty, staff and students, as well as to provide criteria relating to the ownership of such software, the following procedures have been developed.

Section XII of the North Carolina State University Patent and Copyright Policies contains the University's only copyright policy statement. That statement reflects the traditional approach that allocates copyright ownership to the author except in special cases. The full text of the policy is as follows:

As a general rule, all rights to copyrightable material are the property of the creator. The distribution of royalties, if any, is a matter of arrangement between the creator and his publishers or licensees. Different treatment may be accorded by the institution in case of specific contracts providing for an exception, in cases where the constituent institution or sponsor may employ personnel for the purpose of producing a specific work, where different treatment is deemed necessary to reflect the contribution of the institution to the work, as in the case of software or audiovisual material, or where a sponsored agreement requires otherwise.

## 1. NO LIMITATION ON PUBLICATION

Nothing in these procedures and guidelines is intended or designed to restrict or limit in any way the freedom of faculty, students and staff to publish. This document only sets forth the procedures and guidelines that will be used for determining ownership of computer software and for licensing software developed at the University.

## 2. SPECIAL TREATMENT FOR COMPUTER SOFTWARE

North Carolina State University Patent and Copyright Policies recognize that computer software may receive different treatment than other copyrightable material. The following guidelines and procedures describe the principles that will be used at N. C. State



University in determining ownership of computer software, in licensing and selling such works, and in distributing royalties that may accrue from such activity. In all cases involving the use of University computing equipment to develop software that is subsequently marketed, the assumption is that development of such software is clearly related to the author's instructional, research, or service activities for the University.

### 3. OWNERSHIP

A. A computer program, like other copyrightable works, is presumed to be owned by its author unless it falls within one of the exceptions listed in Section 4. Specifically, faculty, staff and students at North Carolina State University are presumed to be the owners of software including computer programs, documentation, and related materials, provided such software is not covered by one of the exceptions in Section 4.

B. Computer software jointly authored shall be jointly owned, with the authors responsible for determining each of their relative contributions for purposes of sharing royalty income.

C. In the case of computer software developed and modified over time using the contributions of a number of different faculty, staff and students, it may be impossible or impractical to identify the authors. In such cases the software shall be deemed to be owned by the academic department with the author's share of royalties to be directed to the departmental budget.

### 4. EXCEPTIONS TO AUTHOR OWNERSHIP OF COMPUTER SOFTWARE

The following paragraphs list the situations in which the author of computer software is not deemed to be the owner of the software:

A. Work For Hire: When computer software is prepared by an employee as part of that employee's duties, the program belongs to the University by operation of the Federal copyright law because the software is considered to be a "work made for hire." At N. C. State University the creation of computer software shall not be considered to be work for hire unless there is a written statement that is given to the employee indicating that software developed by that employee will be considered to be done within the scope of employment and thus belong to the University.

B. Commissioned Work: The University shall own the copyright to any computer software that is specifically ordered or commissioned by the University if there is a written agreement, executed prior to the creation of the software, in which the author and University agree that the copyright shall belong to the University.

C. Sponsored Contracts and Grants: Computer software developed under grants from the federal government or a private agency or corporation shall be subject to the conditions of the contract or grant with respect to ownership, distribution, use, and other rights. Whenever a grant or contract requires the development of computer software, the agreement must include terms specifying the ownership of the software that are negotiated after consultation with the principal investigator. In the absence of contract or grant terms relating to the ownership of computer software, ownership shall be determined through the use of these guidelines and procedures.

D. Unit Policy: There are a number of units at N. C. State University that publish software as part of their regular activities. The employees of these units are employed to develop computer software and other copyrightable material as a part of their regular duties. These units may adopt rules providing that ownership of the software and other copyrightable material resides in the unit rather than the author. Approval of the Chancellor is required before any unit may implement such rules.

E. Student Projects, Theses and Dissertations: A student must, as a condition of the award of any degree, grant royalty-free permission to the University to reproduce and publicly distribute, on a noncommercial basis, copies of student project reports, theses or dissertations which would include any computer software developed as part of the student project, thesis or dissertation. In certain situations the thesis director, the student and/or the graduate committee may conclude that joint ownership by the University, faculty and student is appropriate for computer software developed as part of a student project, thesis or dissertation. In such cases the graduate committee shall enter into a written agreement with the graduate student as soon as practicable during the process of carrying out the research project but prior to the final submission of the student project report, thesis or dissertation. Unless it is covered by one of the exceptions in this Section, other computer software developed by students is owned by the students.

F. Significant Use of University Resources: If computer software is developed with the use of significant University resources, the University will be considered to be a joint owner of the software. In most cases the need for such resources will be anticipated, and there will be a written agreement that specifies ownership of the software. In cases where there is no written agreement prior to the development of the software, significant use of resources will be deemed to have occurred only if one of the following conditions exist:

1. the author uses University computer facilities more than is usual for nonsponsored research in the department for a period of one semester or more; or
2. the author uses consultants or teaching or research assistants more than 8 hours in one semester (excluding provisions of Section 4.E.); or

3. the author uses equipment and facilities in a way that interferes with the needs of other users in the department.

Unless equity demands otherwise, the University will construe the facts in favor of the author in questions involving the use of significant resources.

G. The use of a personal computer assigned to an individual is not considered to be significant use of University resources, provided that such use does not interfere with the user's performance of duties and that such use has been approved by the department head or other appropriate administrator with the understanding that software may be created as a result of the use of the computer.

H. When an individual develops software without the significant use of University resources, he or she should meet with the appropriate department head and explain how the software was developed so that the department head can issue a memorandum to the author indicating that the software was developed without significant use of University resources.

#### 5. LICENSING AND SALE OF COMPUTER SOFTWARE

A. The University may pursue licensing or sale of computer software which it owns or of which it is a joint owner. If the University decides not to pursue licensing or sale of its software in a timely fashion, the author(s) of such software may request that the University assign all of its rights to the creator(s) in order to permit the author(s) to pursue a license. When it assigns its rights to the author(s) the University will retain the right to receive at least ten percent of the gross royalty that may accrue. Any assignment shall be subject to obligations which the University may have with respect to third parties who may have provided funds or equipment for development of the software.

B. An author may enter into a written agreement with the University for the marketing of computer software through the University, through an agent selected by the University or through an agent mutually agreed upon by the author and the University.

C. The University may enter into agreements with agents to assist the University community in the licensing and sale of intellectual property generated at the University.

#### 6. MAINTENANCE AND SUPPORT OF SOFTWARE

A. There will be no obligation on the part of the author(s) to support or maintain the software developed unless there is a written agreement concerning support and maintenance with the University or its agent.

B. Unless there is a written agreement with the University for software support and maintenance, University resources may not be used for the support and maintenance of software owned by faculty, staff and students.

#### 7. DISTRIBUTION OF ROYALTIES

A. Royalties shall be divided in an equitable manner that recognizes the contribution of the parties.

B. N. C. State University believes that even when authors do not own the software because it was developed in the course of their employment, they should receive some additional reward for creative effort. As a general rule such authors should receive at least ten percent of the gross royalties generated by the licensing or sale of the software. In cases of joint authorship of a work owned by the University, the authors must agree among themselves in writing what portion of the authors' share each is to receive.

C. For software owned by the University or jointly owned by the University and individuals the royalty shall be distributed as follows:

1. Until all marketing and preparation costs are recovered, the author shall receive 10 percent of the gross royalty, the author's department shall receive 15 percent of the gross royalty and the University or its agent shall receive 75 percent of the gross royalty.
2. After recovery of all marketing and preparation costs, the author shall receive 30 percent of the gross royalty, the author's department shall receive 50 percent of the gross royalty, and the University or its agent shall receive 20 percent of the gross royalty.

D. For software owned by the author and licensed or sold by the University or its agent, the royalty distribution shall be determined by a written agreement between the author and the University or agent.

E. An author who is an employee may waive in writing the receipt of a portion or all of the author's share and instead request that the funds be paid to a department or other unit.

F. Royalty received from the licensing or sale of software developed pursuant to a sponsored grant or contract shall be distributed according to the terms of the grant or contract. If the grant or contract is silent on the question of royalty distribution, then the royalty shall be distributed according to these guidelines and procedure.

G. The University or its agent may enter into licensing or sales agreements with outside agencies that provide for different arrangements for sharing of royalty, provided that such agreements are reviewed with the authors and their departments prior to the signing of the agreements.

#### 8. ADMINISTRATION

A. These guidelines and procedures shall be administered by the Vice Chancellor for Research.

B. Questions of ownership of computer software shall be referred to the Director of Technology Administration in the Office of the Vice Chancellor for Research for determination. If matters cannot be resolved at that level, the question shall be decided by the Intellectual Property Committee.

C. All agreements for licensing and marketing of software shall be approved by the Vice Chancellor for Research.

#### 9. REVIEW

The School Deans shall periodically review these guidelines and procedures and recommend to the Chancellor any modifications they deem appropriate.

#### 10. RETENTION OF RIGHTS BY THE UNIVERSITY

In consideration for the support provided to its faculty, students and staff in the development of computer software, North Carolina State University retains a royalty-free, non-exclusive license to copy and use in its instructional, research, and public service activities any computer program developed at the University provided that any such use and copying is not for commercial purposes.

#### 11. USE OF UNIVERSITY NAME

The name of North Carolina State University or reference to the University shall not be used in any form of publicity or marketing for the commercial use or sale of computer software without prior written approval from North Carolina State University.

#### 12. EFFECTIVE DATE

These guidelines and procedures shall be effective on July 1, 1987.

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This document sets forth the research policies of North Carolina State University as understood and accepted by faculty, staff and administration. It serves as a guide for members of the campus in preparation and submission of research proposals and in the administration of grants and contracts.

The research policy statement was developed by the University Research Committee and in 1972 was approved by the Committee, the Faculty Senate, the Administrative Council, and the Chancellor. An edited update of the policy statement was printed in 1976.

This printing of the research policy statement has been developed by the University Research Committee, reviewed by the Faculty Senate, and approved by the Administrative Council, the Chancellor and the NCSU Board of Trustees.

Franklin D. Hart  
Vice Chancellor for Research

April 11, 1987

## RESEARCH POLICY

## North Carolina State University

## PREAMBLE

The University is dedicated to the pursuit of knowledge and its preservation and propagation, to the search for truth, to a fuller understanding of humankind and the universe in which we live, and to the education and intellectual development of its students and constituents to the end that they may be better informed, better adjusted, and more useful members of the society. The development, protection, encouragement, and promotion of the spirit and of the habits of inquiry among faculty and students lie at the heart of the University's purpose and vitality. The development and maintenance of a program which provides intellectual stimulation and purposeful goals, and assures continuing relevance to the problems and concerns of the day necessitates continuous probing into new areas of understanding and persistent attempts to push back the frontiers of knowledge in all fields. Research, scholarly work, and other forms of creative endeavor are essential for the continued intellectual growth of the University faculty and for the sustenance of stimulating and challenging teaching programs.

The University has developed and cherishes its tradition of freedom of inquiry, freedom to probe objectively any fields of interest and relevance challenging the intellects of its faculty and staff members and of initiating, nurturing, encouraging, and developing such traditions among the students. Only through such tradition and practices can each succeeding generation hope to add wider vision and understanding of the world in which we live.

As a Land-Grant Institution, this University is charged with a further responsibility of concern for the well-being and economic and cultural improvement of the citizens throughout the State. This concern necessitates intensive attention to the application and utilization of knowledge for the benefit of humankind, the development of new and improved technological applications, and the utilization of these innovations in agriculture, industry, business, and in other areas of need in our community, state and nation.



RELATIONSHIP TO UNDERGRADUATE AND  
GRADUATE TEACHING

The quality of both undergraduate and graduate teaching is greatly enhanced by active participation of teachers in scholarly investigation, research, and other creative work in fields related to those they are teaching. Participation in, or association with, an active program of research, scholarly inquiry and analysis or germane creative activity is necessary for teachers to keep abreast of the advances in their field by giving them access to tools and methods necessary to modern science and technology and the arts. The utilization of students as active participants in research projects advances their understanding and competence in dealing with situations they must face later far beyond the level which would be possible otherwise. At the same time, student contacts and questions the students raise provide great stimulation to the faculty member, introducing new ideas, encouraging mental exercise, improving articulation and communication, and broadening the range of understanding and inquiry in a professional field. This is especially true at the graduate level, but it is a very significant factor at the undergraduate level as well. Therefore, the University devotes a substantial portion of its financial and intellectual resources to research. The University trustees and administrative officials encourage faculty members toward the fullest exercise of their research and scholarly potential.

The potential contribution of a proposed research project to the enrichment and quality of the undergraduate and graduate teaching program is one of the criteria on which judgments are made as to the wisdom of undertaking research projects or accepting support therefor.

The prosecution of sponsored research, whether basic or applied, is to be encouraged when it is of such a nature and scope as to augment the educational programs of the University, particularly when it may serve to extend the opportunities for graduate study. Special consideration should, therefore, be given those projects that will provide financial support for students, enhance the educational and research facilities of the University, and contribute to the professional development of the faculty.

## SOURCES OF RESEARCH SUPPORT

Research at North Carolina State University is supported principally in the following ways:

1. Appropriations to the University in support of research by the State and United States Governments - The State provides support for departmental and organized research in all schools at North Carolina State University. Also, the State allocates research monies to certain units of the University: North Carolina Agricultural Research Service; Biotechnology Research Program; Minerals Research Laboratory; Microelectronics Research Program; Institute of Statistics; Marine, Earth and Atmospheric Sciences Program; Sea Grant Program; Water Resources Research Institute; and Small Woodlot Research and Development Program. The United States Government makes direct payments to the North Carolina Agricultural Research Service for the support of agricultural and forestry research under the Hatch and McIntire-Stennis Acts.

These appropriations give the University a degree of flexibility in planning and balancing its programs to meet the changing needs of the society it serves. This enables the University to plan its research programs on a stable and sustained basis over a long period of time. The University needs to have a strong central part of its scholarly effort financed in a stable manner in order to enable it to plan wisely and to keep its research program in balance and harmony with the changing needs of society.

2. Research Grants and Contracts - Agreements for such grants and contracts may be entered into with an agency of the U. S. Government, State Government, or with a private industry or agency. The research projects concerned are of direct interest and importance both to the sponsor and to the University. Prior to being undertaken, they must be judged by the University by several criteria including their compatibility with overall University objectives and concerns, and the extent to which participation in the project in question strengthens the University's ability to meet its obligations and purposes.

Grant and contract programs are open and non-classified, assuring the investigators' right to publish freely the results of their studies, and to maintain the traditions of free inquiry and pursuit of the advancement of knowledge.

Very substantial sums have been available during recent years for grants and contracts, principally from agencies of the U. S. Government such as the National Institutes of Health, the National Aeronautics and Space Administration, The National Science Foundation, the Environmental Protection Agency, the Department of Energy,

the Department of Defense, the Department of Agriculture, the Department of Transportation, the Department of Housing and Urban Development, the Agency for International Development, various industries, trade associations, private foundations, individuals, and others.

Such agreements, when properly selected in relation to the University's overall goals and responsibilities, provide funds to support both undergraduate and graduate students, provide stimulation to help attract and retain imaginative and able faculty members, provide equipment and other facilities which enhance the quality of the University's instructional and research program.

The Office of Sponsored Programs maintains a library of information on support programs of the Federal Government. In addition, the University subscribes to the Illinois Research Information Service (IRIS). The IRIS system provides access to an extensive listing of public and private agencies that support research.

3. Developmental Grants - These may be derived from the U. S. Government, from foundations, from business and industry, or from individuals. Such grants are generally for specific purposes, are for a limited period, may require matching contribution and commitment from the University, and imply an obligation on the part of the University to continue and support the project or program in question after its initiation.

This type of support has been extremely valuable in helping to initiate new programs and projects and to bring them to a stage at which they can attract and obtain requisite stable support for their continuation or maintenance.

4. Assessments voted voluntarily by specified groups - The most notable example in this category is the "Nickels-for-Know-How" program in which feed and fertilizer users have voted to have two nickels added to the price of each ton of feed and fertilizer sold in North Carolina with the proceeds therefrom being used to support many important projects in Agriculture and Life Sciences.

5. University/Industry Cooperative Research Programs - Faculty groups have developed a number of organized research units that are supported by industry through membership fees. In such research units, membership fees are pooled and a generic research program is developed by the faculty with advice and counsel from member companies and carried out by faculty and students. The National Science Foundation provides seed money to help develop university/industry cooperative research centers.

6. Foundations - Many public and private foundations and not-for-profit corporations provide support for research and scholarly projects. The Office of Sponsored Programs maintains information on foundations that support research on a wide variety of topics.

7. Scholarship and Fellowship Funds - While the primary purpose of such funds is to provide educational opportunities to deserving students, each Ph.D. candidate must carry out a substantial research project and submit a thesis thereon as a part of the requirements for the degree. Thus, a great deal of fundamental research is supported through such funds.

8. In addition to direct financial support from the sources described above, the University is committed to encouraging research and scholarly endeavors on the part of all faculty members as a basic part of its program. At the departmental level, encouragement is given through the adjustment of teaching loads to provide time for such activities and, to the extent possible, provision of access to equipment, laboratory space and literature, support for travel and participation in professional meetings, and assistance in preparation and publication of the results of research and other scholarly works. A limited number of small grants-in-aid to encourage research initiation, especially among the recently appointed and younger faculty members, and faculty members developing new fields of research, are provided through the Faculty Research and Professional Development Fund.

#### CRITERIA FOR ACCEPTANCE OF RESEARCH SUPPORT THROUGH CONTRACTS AND GRANTS

Any proposed research or service, to merit favorable interest, should be of such nature that its prosecution augments and is compatible with the regular program of research or graduate-undergraduate teaching conducted by the individual or the department.

Research funds should not be sought or accepted by the University simply because they are available. They should strengthen its capability to serve its main purposes in the society. They should not be permitted to distort the balance in the University's basic program or to become the factor which results in disproportionate growth and development in directions which do not contribute significantly to fulfillment of its basic purposes and objectives.

Questions such as the following must be answered satisfactorily when a sponsored research proposal is initially examined:

1. Is the proposal in harmony with and does it contribute to improvement in faculty or staff capability, equipment, facilities, and/or knowledge in some field considered appropriate to the University's central purposes and objectives?

2. Will it make a contribution toward strengthening the program of undergraduate or graduate instruction or training, or provide opportunity for undergraduate or graduate student participation?

3. Does it contribute to the improvement of an important service to the public by the University?

4. Is it compatible with the spirit of freedom of inquiry and are the rights for publication fully assured to the investigator and the University?

All tenure-track faculty members may submit proposals for support of research and scholarly projects. All proposals must be approved by a faculty member's unit or department head and Dean before submission to the Vice Chancellor for Research for final campus approval. Non-tenure-track faculty members and employees with termed appointments may submit proposals with prior approval of their Dean and the Vice Chancellor for Research.

#### PROPRIETARY INFORMATION, DATA AND RESEARCH

It is recognized that it may be necessary for a faculty member to gain knowledge of information considered to be proprietary by a private company in carrying out a research project. Such information, for example, may involve a computer code for which a company may have exclusive rights to reproduce and sell. Before entering into a research project which may involve the use of proprietary material, all parties involved, including the sponsoring industry, the faculty member(s), the graduate student(s), the department head(s), the dean(s), and the Vice Chancellor for Research, shall sign an agreement determining both the nature and extent of the proprietary material involved and the nature and extent of the restrictions required by the sponsoring industry on members of the university, including graduate students, regarding the nondisclosure of the proprietary material. Any extension of the scope or nature of the proprietary material involved will require a supplementary agreement to be signed by all parties involved, as detailed above, before implementation. Acceptance or utilization of any proprietary material without prior administrative approval or the utilization of such material outside the context of an approved agreement is the sole responsibility of the individual faculty member.

The acceptance and use of proprietary material by faculty members must not compromise or diminish the freedom of publication rights as specified in the University's publication policy or inhibit free discussion of any graduate student project at an oral examination. Since preliminary and final graduate student examinations must be open to all members of the Graduate Faculty, student theses or reports required for advanced degrees should not contain or use proprietary information.

From time to time, the University may determine that the public good is best served with regard to technology transfer by entering into an agreement with a public or private institution which provides that institution with a proprietary interest in the results of a given study. For example, a company may provide support

for further research on a topic or idea for which the University has filed for patent protection. Under such conditions, the University may agree to provide the company with an option to license the patent, if awarded, to the company. Such an arrangement would provide the company with a proprietary interest in the research results, but the faculty member would still be free to publish consistent with the University publication policy.

#### PUBLICATION POLICY

Restrictions on publication of the results of research are incompatible with the basic concept of an educational institution as a source of knowledge. Short-term restrictions of usually not more than six months' duration but not more than twelve months may be permitted in the interest of actual or potential patent considerations, or to provide lead time to an industry or organization which has financed the research. Long-term permanent restrictions should be undertaken only for exceptional or emergency reasons such as might occur during a period of national emergency and would then be permitted only after review and approval by the University Research Administration.

#### SECRET OR NATIONAL DEFENSE RESEARCH

The University does not, under normal circumstances, encourage acceptance of any research project which is secret or classified and/or in which its rights to publish the results of the investigations are withheld. Exceptions to this principle must be approved by the Chancellor after consultation with the Administrative Council.

The University will not knowingly undertake research on weapons development, or directly on problems of chemical and biological warfare, except in times of declared national emergency and upon request of governmental authority. The University will not attempt to determine whether or not a study, the results of which may have broader applications in the civilian economy, may conceivably also be used in some way for military purposes. The University will continue to accept support for research contracts and grants through the Department of Defense as well as through other defense-related government agencies as long as they meet the general University criteria for research.

#### CONSULTING ACTIVITIES

Faculty members of the University, because of their involvement in research and their knowledge and experience with problems relevant to the society, are frequently requested to provide consultant services for a variety of needs of both private and public organizations and agencies. Reasonable amounts of consulting activity in the faculty or staff members' special fields of competence helps to keep them abreast of newer developments, enhances their competence in solving problems in the applications of their special field and

improves their competence as teachers and researchers. Such work also frequently makes significant contributions to the economic development of the State. It may or may not involve extra compensation of the individual or to the University. In certain programs of the University, advice and service to individuals, organizations, and other agencies are an integral part of the faculty or staff member's regular duties for which additional compensation would be inappropriate.

The Board of Governors of the University of North Carolina adopted a policy statement on consulting effective on July 1, 1984. Some schools at NCSU have developed consulting policies and procedures, within the guidelines of the Board of Governors' policy statement, to help faculty and staff members in a proper response to a consulting request or opportunity. Faculty and staff members are expected to exercise good judgment and integrity in handling requests for consulting services and to comply with provisions of the Board of Governors' policy statement on external professional activities and any additional procedures adopted by their schools or organizational units. The following are some of the general guidelines which are considered appropriate for consulting activities:

1. Consulting activities which enhance the faculty or staff member's value as a teacher or researcher and which are related to the academic goals of the University are the types considered appropriate for University faculty members to undertake.
2. A consulting obligation should be undertaken only if it does not interfere with full and complete performance of the regular duties which a faculty or staff member has been assigned, for which he or she is receiving compensation from North Carolina State University and which is normally expected of full-time faculty or staff members. Before entering into a consulting arrangement, each faculty or staff member should become aware of any school policies which are in addition to University policies.
3. Duties which a faculty or staff member should reasonably be expected to perform as a public service by virtue of his or her position in this publicly-supported University should be carried out without extra compensation.
4. Faculty or staff members must in no way compromise the position of the University through their consulting activities. Both the fact and the semblance of a conflict of interest must be avoided.
5. Serving as an expert witness during any legal procedure is a consulting activity. Faculty members serving as voluntary or involuntary witnesses, by virtue of their expertise, during any legal procedure, represent themselves.
6. If a request for assistance involves the use of the University's labor, facilities, or equipment, it should be performed on a contractual basis with the University rather than on a consulting basis with an individual faculty or staff member.

7. The University recognizes the need for the development of technology transfer through the establishment of entrepreneurial activities. When a faculty or staff member works in a private capacity, it should be made clear to those who employ him or her that this work is private and unofficial. University stationery and forms should not be used in consulting activities or reports. The specific arrangements and compensation rates for such consultation should not subject other professional persons outside the University to unfair competition.

8. The Board of Governors' policy on external professional activity requires that faculty and staff members follow a prior approval process before engaging in consulting activities. The procedures section of the policy statement is reproduced here for easy reference. The "Notice of Intent" form is reproduced as Figure 1.

"a. A faculty or other professional staff member who wishes to engage in external professional activity for pay shall complete the 'Notice of Intent to Engage in External Professional Activities for Pay' (hereinafter referred to as 'Notice of Intent'), which shall be filed with the head of the department in which the individual is employed. 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 is granted for each activity for no more than one calendar year at a time, unless an exception is approved by the Chancellor (or, in the General Administration, by the President).

"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 inconsistent 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 5, question 6a, or question 6b 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 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 twelve months 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, beginning September 1, 1984."

Copies of the Notices of Intent and actions taken in response to such notices will be sent to the School Deans to aid in the fulfillment of their responsibility, through the department heads, to provide the necessary control and supervision of consulting activities within their respective fields. The end result of consulting activities should enhance the employee's value to the University and should not encroach on the time and energy which he or she devotes to University work and thus should not interfere with the full performance of duties and responsibilities to the University.

#### USE OF HUMAN SUBJECTS IN RESEARCH

All projects involving the use of human subjects, including questionnaires, must be reviewed by the University Committee on the Use of Human Subjects in Research regardless of whether or not the proposal is funded. This Committee will assure that appropriate facilities and procedures will be provided which respect the "right to privacy" of the individual and protect him or her against physical or stress injury. This applies to all research project proposals (grants and contracts) regardless of the granting agency or institution to which they are being submitted for funding as well as those supported by University funds. Committee review of the proposal should be completed before submission to the granting agency. It is appropriate for the faculty or staff member to consult the Committee on the Use of Human Subjects in Research or the Office of Vice Chancellor for Research during preparation of an early draft of the proposal, at which time concise and current details concerning use of human subjects can be obtained.

#### SAFETY AND HEALTH IN RESEARCH

It is the policy of North Carolina State University that faculty, staff and students are entitled to a safe and healthful place in which to work, study, or do research free from hazards which may cause serious injury or death. The safety and health aspects

NOTICE OF INTENT TO ENGAGE IN EXTERNAL PROFESSIONAL ACTIVITIES FOR PAY

6/6/84

Date \_\_\_\_\_

\_\_\_\_\_ (name) intends to engage in external professional activity for pay under the following conditions:

- 1. Name and address of contracting organization: \_\_\_\_\_  
\_\_\_\_\_
- 2. Beginning and ending date of activity \_\_\_\_\_
- 3. a. On average, how many hours per week will be devoted to this activity?  
\_\_\_\_\_
- b. Total number of hours to be devoted to activity \_\_\_\_\_
- c. What classes, meetings, or other University duties will be missed?  
\_\_\_\_\_
- d. What arrangements have been made to cover any such duties missed?  
\_\_\_\_\_
- 4. Nature of Professional Activity: \_\_\_\_\_  
\_\_\_\_\_
- 5. To your knowledge, does the contracting organization above provide funding which directly supports any of your University duties or activities?  
 Yes\*       No
- 6. 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

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) \_\_\_\_\_

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ADMINISTRATIVE ACTION ON NOTICE OF INTENT

Reviewed; activity determined to be consistent with University policy

Date \_\_\_\_\_ Department Head \_\_\_\_\_

Date \_\_\_\_\_ Dean or Other Administrative Officer \_\_\_\_\_

Other action (as required): \_\_\_\_\_

Date \_\_\_\_\_ Department Head \_\_\_\_\_

Date \_\_\_\_\_ Dean or Other Administrative Officer \_\_\_\_\_

associated with experimentation, research and development are so varied that specific safety instructions are beyond the scope of this policy statement. The individual researcher must, therefore, be responsible and take the initiative to become informed concerning exposure to toxic and hazardous materials and be certain that all persons involved receive training in the proper handling techniques and emergency procedures.

The University by statutory requirement must comply with the provisions of the Occupational Safety and Health Act of North Carolina (OSHA-NC). To help comply with OSHA-NC Rules and Regulations, the Public Safety Division has published a "Policy and Procedure Manual for Occupational Safety and Health at North Carolina State University" which is available in departmental offices.

The University has established several standing committees that may have to be consulted in gaining approval to submit a research proposal. Examples of such committees are: Biosafety, Radiation Protection, and Infectious Diseases and Microorganisms. Information on these committees may be obtained from the Office of Research Administration or a member of the committee. Committee membership is published annually in the University Directory.

#### LABORATORY ANIMAL CARE AND FACILITIES

The scientific community has long recognized an ethical responsibility to provide humane care for experimental animals used in the service of man and animals. The Animal Welfare Act and specific guidelines from the National Institutes of Health and the Department of Agriculture prescribe the standards for care of experimental animals. The care of these laboratory animals is a responsibility of both the University and the individual investigator.

In the humane care of experimental animals, proper attention must be given to the following elements: housing, sanitation practices, feeding, watering, identification, quarantining, disease diagnosis and control, pre and post-surgical care and the merciful destruction of animals.

A new policy issued by the U. S. Public Health Service on Laboratory Animal Welfare became effective on January 1, 1986. The University maintains an Institutional Animal Care and Use Committee

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**Division of Public Safety:** For any emergency assistance or police service that is required (i.e. personal injury, chemical spill, or fire), immediately notify Public Safety by picking up a Blue Light Emergency Telephone or by calling 737-3333. Blue Light Emergency Telephones are located throughout the campus for prompt assistance. Public Safety is on duty 24 hours per day, seven days a week, and is located at the Field House.

(IACUC) to ensure that provisions of the policy are fulfilled in our research programs. The policy requires, among other things, that IACUC review and approve the care and use of animals in all competing grant applications and contract proposals submitted to the Public Health Services which includes the National Institutes of Health. A procedure has been established that IACUC will use in reviewing applications and proposals. The procedures document may be obtained from the Chairman of IACUC or the Office of Research Administration. Persons preparing proposals should be familiar with this procedure before submitting any grant application or contract proposals involving the use of vertebrate animals to the U. S. Public Health Service or other agencies requiring such review.

#### PATENTS AND COPYRIGHTS

It is the policy of the University to carry out its scholarly work in an open and free atmosphere and to publish results obtained therefrom freely, limited only by a short time delay in cases in which this is necessary to establish patent rights. Although the University does not undertake research or developmental work principally for the purpose of developing patents and commercial applications thereof, patentable inventions sometimes arise out of the research activities of its employees which are carried out wholly or in part with University facilities. As a public service institution, the University has an interest in assuring the utilization of such inventions for the public good. Protection must be provided to at least some of these inventions through patents and licenses to encourage their development and marketing. Patents and their exploitation, however, represent only a small part of the benefits accruing from either publicly or privately sponsored research.

A portion of the research conducted by the University is supported by government and a portion by private industry. Service to the public, including private industry, is an integral part of the University's mission. As a public institution, the University, in its agreements with private industry or other private organizations, must keep the interests of the general public in view. The rights and privileges set forth in cooperative agreements or contracts, with respect to patents developed as a result of research partly or wholly financed by private parties, must be fair and just to the inventor(s), the sponsor and the public. Research should be undertaken by the University under support from private parties only if it is consistent with and complementary to the University's goals and responsibilities to the public.

The Patent and Copyrights Procedures approved by the NCSU Board of Trustees became effective July 1, 1984. A brochure that describes these procedures is available in the Office of the Vice Chancellor for Research.

#### DEVELOPMENT, NEGOTIATION, AND ADMINISTRATION

The Vice Chancellor for Research has been charged with the responsibility for review and approval of proposals for sponsored research, clearance of sponsored programs through appropriate University channels, and for assistance in negotiation with sponsoring agencies. This office has prepared detailed guidelines for proposal preparation and application procedures and revises and updates them as necessary. Also, the office is prepared to consult with faculty and staff members and assist them in preparation of proposals. Consultation between the investigator and the Office of Research Administration is desirable at early stages of preparation to facilitate appropriate attention to the specific requirements of prospective granting agencies, proper proposal form, budgets, etc. The Office of Sponsored Programs maintains a Faculty Information Center in Leazar Hall where a library of up-to-date materials is maintained on grant and contract opportunities in federal and state governments, foundations, industry, etc. Copies of current guidelines and appropriate forms for internal processing and approval are available in the Faculty Information Center.

Negotiations must ensure appropriate legal and financial protection to the University and conformity with established University policies. Proposals for contracts and grants must include provision for payment of indirect costs in accordance with recognized rates governing indirect-cost reimbursement.

Proposals involving the use of any hazardous materials which may expose investigators or other persons to potentially unsafe conditions must be reviewed by the appropriate committee to provide assurance that all reasonable precautions have been taken to avoid any potential health or safety hazards. The department head or unit director is responsible for the approval and safe conduct of all research projects carried out within his or her unit.

Proposals that commit the University to establish research centers or institutes upon an award require special handling. The Board of Governors of the University of North Carolina has adopted procedures that must be followed in establishing research centers and institutes. The Vice Chancellor for Research should be consulted in the early stages of preparation of such proposals. The Vice Chancellor for Research will work with the faculty member(s) to ensure that proper procedures are followed in the processing of such proposals. Establishment of research centers and institutes must be approved by the Board of Governors of The University of North Carolina.

Requests for research grants from private foundations that contain deliverables and/or specific research reporting requirements must be processed through the Office of Research Administration like a request to any other funding agency. The Office of Research Administration provides information on every request to a private foundation for research support to the Development Office for purposes of coordination.

The administration of research projects and programs is normally handled through the regular departmental and school channels. The Vice Chancellor for Research may be called upon, at least during the initial stages, to assume direct administrative responsibility for certain projects of an interdisciplinary character involving direct participation of more than one school and/or campus.

To provide the capability to accommodate relatively small and usually short-term project needs and opportunities, the University has instituted a special procedure that may be used when funds involved are less than \$10,000 for a given project. For proposals in this category, prior approval at the Dean's level only is required. Copies of agreements, contracts, etc. resulting from such proposals must be provided to the Vice Chancellor for Research for post-award review. The Office of the Vice Chancellor for Research has developed guidelines for handling such contracts. Implementation of such contracts must in no way abridge the provisions of the University Research Policy.

THE UNIVERSITY OF NORTH CAROLINA  
POLICY STATEMENT ON UNIVERSITY RESEARCH RELATIONS  
WITH PRIVATE ENTERPRISE  
AND ON PUBLICATION OF RESEARCH FINDINGS

1987

POLICY STATEMENT ON UNIVERSITY RESEARCH  
RELATIONS WITH PRIVATE ENTERPRISE  
AND ON PUBLICATION OF RESEARCH FINDINGS

Board of Governors  
The University of North Carolina

Section 1. INTRODUCTION

Cooperation with private enterprise in research programs has a long and rich history in The University of North Carolina. These research relationships have contributed materially to economic development and to the improvement of the quality of life in North Carolina, and new scientific knowledge and productive applications of existing technology have resulted from collaborations between private firms and University institutions. The development of the Research Triangle Park and of University Research Park in Charlotte are recent and positive instances of the benefits of university-industry cooperation in research.

The Board of Governors encourages and supports these cooperative efforts with private enterprise because important public benefits often result, and also because such activities contribute significantly to the education of scientists, physicians, engineers, and other professionals. The purpose of this statement of policy is to establish standards and guidelines for the constituent universities in the future development of these relationships.



## Section 2. BASIC POLICIES GOVERNING RESEARCH RELATIONSHIPS

The Board of Governors hereby reaffirms its belief in the fundamental importance of academic freedom and responsibilities as stated in Chapter VI, Section 600, ("Freedom and Responsibility in the University Community") of The Code of The University of North Carolina:

The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

This commitment carries with it an important public responsibility to encourage the open distribution of the benefits of the new knowledge and information resulting from the research efforts of faculty, students, and professional staff. All forms of scholarly and research activities, including those research activities that are supported by grants, contracts, or other arrangements between the institution and government agencies and private firms, are encompassed in this University tradition.

Other policies enacted by the Board of Governors and certain administrative actions of the President are pertinent to the governing of research relationships with private firms. Of particular importance are:

- a. "The University of North Carolina Patent and Copyright Policies," adopted by the Board of Governors in 1983, prescribes policies concerning the creation and ownership of intellectual property and the distribution of income from such property.
- b. The "Policy Statement on External Professional Activities of Faculty and Other Professional Staff," adopted by the Board of Governors in 1979, and as thereafter amended, establishes policies regulating consulting and other external professional activities for pay.
- c. Administrative Memorandum Number 68, "Grants, Contracts, and Cooperative Agreements to Finance Sponsored Programs," issued by the President in 1976, and as thereafter amended, sets forth administrative procedures to ensure that all proposals for external sponsorship of activities receive appropriate review by senior officers.

In the event of any inconsistency between this document and any of a, b, or c above, this document controls.

### Section 3. DEFINITION AND DESCRIPTION

#### a. General Issues

American universities, including The University of North Carolina, have been remarkably successful in developing a productive and powerfully effective system for conducting basic

research in conjunction with graduate education. Private enterprise has been a significant partner in this endeavor. For many years private firms have given assistance to universities in conducting research that has materially advanced the frontiers of knowledge. As the scientific and economic advantages of research collaboration between private enterprise and universities have become more visible in recent years, the extent of this collaboration between the private sector and the academy has expanded.

There are, however, differing values and priorities between the academy and the private sector that must be respected. Academic research has historically been directed more toward the educational experience and the extension of fundamental knowledge than toward commercial applications or processes. Moreover, universities require free and open debate and discussion of ideas and newly-published research results.

In contrast, private firms necessarily must consider profitability and product development and marketing. Since competitive advantage is crucial to the success of commercial ventures, patents are important and results of research work often are proprietary and may not be published. The use of university research and advanced education for commercial purposes thus presents different challenges and opportunities to universities and to private firms.

b. Types of University-Private Industry Relationships

Private firms are in contact with universities and their faculty members in a wide variety of ways. The most common example is through the external professional activities for pay of faculty. Under such arrangements, covered by the Board's "Policy Statement on External Professional Activities of Faculty and Other Professional Staff," faculty members serve as paid part-time consultants.

There is also significant direct funding of research costs by private firms through contracts and grants, and these activities are governed by Administrative Memorandum Number 68 cited above.

Certain universities also have formal programs that involve private firms more directly in the life of the institution, such as research centers or consortia and industrial associate programs. Under such arrangements private firms and perhaps some state or federal agencies may pay an annual fee to a university in return for which they receive publications and attend on-campus briefings. Similarly, a university or group of universities may arrange a consortium with several private companies to conduct research in an area of mutual interest.

Research partnerships are less common, and they involve joint planning and joint coordination of the research program. These arrangements bring the private firms into a much closer association with universities, and usually specify the distribution of patents and may contain a prior-notification stipulation on the publication of research results.

Section 4. UNIVERSITY POLICY ON INDUSTRY RESEARCH RELATIONS AND ACTIVITIES

a. Appropriateness of University Research

All activities of The University of North Carolina, including any research collaborations with private firms, must support its teaching, research, and public service missions. The University environment must allow faculty and students to pursue freely learning and research. The University must also maintain its independence and integrity to assure impartiality, and it may not agree to any inappropriate limits on the freedom to publish research findings. Most importantly, The University must retain the public's trust by engaging in research activities that are consistent in nature, quality, scope, and importance with its educational purpose, and that are conducted under conditions that ensure its academic integrity. The chancellors are the responsible officers for the administration of this policy and they are to take such steps as are necessary to maintain it.

b. Proprietary Information

Faculty and students of The University must have the right to disseminate freely and openly their research findings, and research sponsors may not abridge this basic right; however, in certain exceptional cases, the sponsor may be in possession of proprietary and confidential information that the institution and the research sponsor must share to conduct the research project. A constituent institution, with the approval of its chancellor, may enter into agreements to guard the confidentiality of such

proprietary information. Information in the public domain, or information that a constituent institution legally obtains from a third party, or information independently developed or possessed by a constituent institution is expressly excluded from the definition of proprietary information. Any agreement that involves the joint use of university facilities for proprietary purposes, or that purports to restrict faculty or students from publishing freely the results of their own work, shall be reported in writing to the President prior to its execution. No agreement, however, may interfere with the publication or oral defense of research theses and dissertations of graduate students.

c. Classified or Other Secret Research Projects

Research conducted by faculty or students under any form of sponsorship must maintain The University's open teaching and research philosophy and must adhere to a policy that prohibits secrecy in research. However, in cases involving United States government classification, or in any other case clearly involving exceptional circumstances, the chancellor is authorized to waive this requirement if it is in the national or institutional interest to do so. All such agreements must be reported in writing to the President prior to their execution.

Section 5. EFFECTIVE DATE

This policy shall become effective upon approval by the Board of Governors.

Record

Sexual

Har



*Sexual  
Harassment*



**ELIMINATING  
THE  
PROBLEM**



**ICSU'S Response**

**March 1987**



## NORTH CAROLINA STATE UNIVERSITY POLICY ON SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination in violation of Federal law and North Carolina State University policy, and will not be tolerated. North Carolina State University is committed to assure equal opportunity and to oppose discrimination because of race, sex, age, religion, national origin, handicap or veteran's status. Faculty, staff, and students should be aware that violation of this policy will lead to serious disciplinary action up to and including dismissal.

North Carolina State University hereby affirms its desire to maintain a work and academic environment for all employees and a study environment for all students that is fair, humane and responsive. North Carolina State University wishes to maintain an environment which supports and rewards career and educational goals on the basis of such relevant factors as ability and work performance.

Conduct or action that either imposes a requirement of sexual cooperation as a condition of employment, employment decisions or academic advancement, or creates an intimidating working/learning environment that prevents effective learning or work performance, is in opposition to a campus environment free of discrimination.

### Sexual Harassment Definition

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic advancement and/or receipt of a needed or legitimately requested University service, or
- (2) submission to, or rejection of such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment, employment decisions, academic advancement or receipt of a needed or legitimately requested University service, or
- (3) such conduct has the intention or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or offensive working/learning environment.

Sexual harassment may involve persons of the opposite sex or persons of the same sex but it does not include personal compliments welcomed by the recipient, or social interaction or relationships freely entered into by the parties.

### Related Discrimination

Discrimination may also exist when an otherwise qualified individual is passed over for an opportunity or benefit,

education or employment, in favor of an individual who has granted sexual favors to gain an advantage.

### Prevention of Sexual Harassment

Prevention is the best tool for the elimination of sexual harassment. North Carolina State University is committed to take all steps necessary to prevent sexual harassment, including programs designed to make individuals aware of the nature of harassing behavior and to acquaint individuals with the procedures for reporting grievances.  
3/29/82

### INFORMAL GRIEVANCE PROCEDURE

If an employee, student or faculty member believes he/she is a victim of sexual harassment, or is unsure of whether sexual harassment (as defined in the NCSU policy) has occurred, or needs clarification concerning appropriate action, the grievant may consult the person in that School/Unit designated to handle such cases (see list entitled School/Unit Liaisons) or the grievant may consult the appropriate University-level office as follows:

- a. The University Affirmative Action Office  
201 Holladay Hall  
Lawrence Clark (737-3148)  
Carolyn Maidon (737-3409)
- b. Employee Relations Section  
Administrative Services Center  
John Brooks (737-2137)  
Dianne Sortini (737-2137)
- c. The University Counseling Center  
200 Harris Hall  
Annette Broadwell (737-2423)  
Betsy Kimrey (737-2423)  
Grace Finkle (737-2423)

Liaison persons are available for information, clarification of policy, and counseling, as well as to hear complaints and to investigate. All contacts and complaints will be treated confidentially and impartially. It is helpful if the grievant prepares a written statement describing the incidents of harassment. Every effort will be made to protect the grievant from retaliation.

In the course of the investigation, the liaison person will make no assumption of the guilt or innocence of the accused. Every effort, however, will be made to remove any misunderstandings concerning appropriate behavior and/or to eliminate harassing behavior if it exists. The role of the liaison person is to counsel, advise and persuade, not to make judgments or assign penalties. Action may be taken, however, by an appropriate administrator.

## SEXUAL HARASSMENT LIAISONS

### SCHOOL OF AGRICULTURE AND LIFE SCIENCES

Contact: Ms. Billie Frazier  
112 Patterson Hall; Box 7601  
(737-2668)

Dr. Brad Craig  
107 Patterson; Box 7601  
(737-3248)

### SCHOOL OF DESIGN

Contact: Ms. Rosa Burt  
200 Brooks; Box 7701  
(737-2202)

Ms. Susan Wilchins  
210-A Leazar; Box 7701  
(737-3876)

### SCHOOL OF EDUCATION

Contact: Dr. Barbara Parramore  
300-C Poe; Box 7801  
(737-3221)

### SCHOOL OF FOREST RESOURCES

Contact: Dr. Carolyn Love  
4004-A Biltmore; Box 8004  
(737-3276)

### SCHOOL OF ENGINEERING

Contact: Prof. Frances M. Richardson  
116-C Page; Box 7901  
(737-3683)

### SCHOOL OF VETERINARY MEDICINE

Contact: Ms. Marie Green  
4700 Hillsborough Street; Box 8401  
(829-4208)

### SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

Contact: Dr. Mary C. Williams  
131-E Tompkins; Box 8105  
(737-3353)

### SCHOOL OF PHYSICAL AND MATHEMATICAL SCIENCES

Contact: Dr. William Tucker  
108 Dabney; Box 8204  
(737-2546)

Ms. Wandra Hill  
116 Cox; Box 8201  
(737-7841)

#### SCHOOL OF TEXTILES

Contact: Dr. Peyton Hudson  
205 Nelson; Box 8301  
(737-3890)

Ms. Nancy B. Martin  
106 Nelson; Box 8301  
(737-3231)

#### FINANCE AND BUSINESS

Contact: Ms. Lauren Brisky  
B Holladay; Box 7201  
(737-2732)

#### INFORMAL GRIEVANCES

Contact: Ms. Dianne Sortini  
Administrative Services Center; Box 7210  
(737-2137)

Mr. John Brooks  
Administrative Services Center; Box 7210  
(737-2137)

#### UNIVERSITY DEVELOPMENT

Contact: Ms. Ann Holland  
12 Holladay Hall; Box 7501  
(737-2846)

#### UNIVERSITY RELATIONS

Contact: Ms. Pat McLean  
12 Holladay; Box 7505  
(737-2850)

#### UNIVERSITY EXTENSION & LIFELONG EDUCATION

Contact: Ms. Mary Frances Hester  
202-A McKimmon; Box 7401  
(737-2277)

#### UNIVERSITY EXTENSION & LIFELONG EDUCATION (continued)

Contact: Ms. Sallie Parker  
204-A McKimmon; Box 7401  
(737-2144)

#### D.H. HILL LIBRARY

Contact: Ms. Linda Fuller  
1209 Library; Box 7111  
(737-3364)

#### SPECIAL UNITS

Contact: Ms. Bonnie Hine  
B 16-B Hillsborough Building; Box 7109  
(737-2517)

#### STUDENT AFFAIRS

Contact: Ms. Jan Rogers  
Clark Infirmary; Box 7304  
(737-2562)

Ms. Evelyn Reiman  
216 Harris; Box 7314  
(737-2441)

Mr. Jerry Barker  
Clark Infirmary; Box 7304  
(737-2562)

#### ATHLETICS

Contact: Ms. Nora Lynn Finch  
2A Case Athletic Center; Box 8501  
(737-2055)

#### COUNSELING CENTER CONTACTS

Contact: Dr. Annette Broadwell  
200 Harris Hall; Box 7312  
(737-2423)

Dr. Betsy Kimrey  
200 Harris Hall; Box 7312  
(737-2423)

Dr. Grace Finkle  
200 Harris Hall; Box 7312  
(737-2423)

#### A STATEMENT FROM THE CHANCELLOR...

*"Sexual harassment is a serious matter. We want our campus community not only to be free of sexual harassment but we want it to serve as a model in this regard for the rest of our society. As Chancellor, I fully support the University's commitment to the elimination of sexual harassment throughout our society and strongly endorse the policy and procedures outlined in this brochure. I would appreciate each of you supporting this effort."*



A handwritten signature in black ink, appearing to read "B. R. Hester".

2

Record

New  
International  
Programs

MISSION AND POLICY STATEMENT  
FOR  
INTERNATIONAL PROGRAMS<sup>1</sup>

NORTH CAROLINA STATE UNIVERSITY  
RALEIGH, NC 27695

I. INTRODUCTION

North Carolina State University has a long and distinguished history of service to the people of North Carolina and to the nations and peoples of the world.

It is proposed that this commitment to service be formalized in a Mission and Policy Statement, to be adopted by the Board of Trustees of NCSU, which affirms that the mission of North Carolina State University to serve the people of the state is most fully achieved when its teaching, research and public service activities encompass the concerns of the state, the nation and the international community.

To the people of North Carolina, NCSU is their University. Yet, in the broadest sense, it is an institution of worldwide responsibility, scope and impact--one that North Carolinians must share unselfishly in an increasingly interdependent world.

North Carolina State University can further develop its international awareness and capabilities through the promulgation of and adherence to a policy on international activities.

II. MEETING THE UNIVERSITY'S WORLDWIDE RESPONSIBILITIES

The University accepts its worldwide responsibilities in the same manner as its more localized state and national responsibilities. Teaching, research, extension and public service programs, which are specifically designed to meet the University's worldwide responsibilities, shall be planned and conducted in harmony with similar programs designed to meet the University's state and national responsibilities.

The development of the University's international programs is guided by the principle that they shall enhance the University's contribution to the State of North Carolina, the nation and the world through teaching, research, extension and public service programs.

Believing in the importance of academic freedom and open inquiry, the University affirms that its programs, both on campus and elsewhere, are open to all without regard to race, creed, color, sex, national origin or handicap. "Free inquiry and expression are indispensable and inseparable. Students participating in exchange programs should be encouraged to develop

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<sup>1</sup>Approved by the Board of Trustees of North Carolina State University, September 13, 1986.

a capacity for critical judgement and an independent search for truth. This means specifically that they are full participants in academic pursuits and should have the right to seek formal and informal knowledge, verbal or written, in whatever direction and with whatever legitimately appropriate associations are necessary without fear of reprisal."<sup>1</sup>

The University, and units thereof, may withdraw programs or decide not to establish programs in countries which, in its view, are in gross violation of the United Nations Declaration of Human Rights. With respect to the international travel and activity of individual faculty and students, however, the University takes no position. The burden of decision in the matter of human rights and residence and study or work in any country is left with the individual student or faculty member.

### III. POLICIES FOR AN EXPANDED EMPHASIS ON MEETING WORLDWIDE RESPONSIBILITIES

In order fully to recognize and institutionalize the University's international efforts, the following policies are established or reaffirmed (order of presentation does not suggest priorities):

- 1) The University shall encourage, assist and support faculty, student and staff efforts to develop and integrate an international dimension into their teaching, studies, research and extension activities.
- 2) The University shall call the public's attention to North Carolina's and the United States' growing interrelationships with other nations and seek funding at both the state and the federal levels for the development and expansion of internationally oriented programs in teaching, research and extension.
- 3) In keeping with its Land-Grant tradition, the University reaffirms its goals of providing broad access to its programs and courses for students, domestic and international, graduate and undergraduate. A special responsibility to encourage students from less developed countries to study at this University is recognized. The University will formulate clearly its goals and objectives for international education and the enrollment of international students. Schools and/or departments are encouraged to set goals for enrolling international students, at undergraduate and graduate levels, with a view to increasing diversity and cultural mix.
- 4) As resources permit and in concert with other aspects of its worldwide mission described herein, the University shall encourage and support efforts of its faculty and students to provide assistance to the developing nations through specialized in-country programs. As part of this work, the University shall encourage efforts to evaluate, analyze and improve the means and mechanisms

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<sup>1</sup>NAFSA Standards and Responsibilities, Guideline Series #1, Winter, 1979, pp. 17-18.

whereby assistance is provided abroad. In this regard, special attention and vigilance shall be applied to international assistance efforts in which the University engages.

5) Recognizing the complexity and interrelatedness of many of the problems in the developing countries, the University shall explore, encourage and support interdisciplinary links within the University and between NCSU and other universities, international research centers, multinational institutions, in-country organizations and appropriate consortia. Furthermore, the University shall encourage and support the establishment of formal, working relationships with other institutions, foreign and domestic, when such links would contribute to the success of international programs in which the University chooses to engage. The University will develop an organized plan to maintain communications with outstanding foreign alumni who can serve as recruiters in their countries.

6) The University will encourage faculty and student efforts to participate in international programs by supporting preparatory cross-cultural and linguistic training programs.

IV. ORGANIZATION AND OPERATING PROCEDURES

A. General Operating Considerations Applicable to All

1) Faculty, department heads, and deans will consider international experience and interest in hiring faculty. They will consider performance and contributions in international activities in cases of promotion and granting of tenure, and in the award of merit in salary considerations.

2) Faculty, department heads, and deans will give attention to an international component in the curriculum, and they will seek to provide opportunities for faculty and students to participate in international research, teaching, service and study. Deans and department heads recognize in the reward process those who develop an international dimension in their research, teaching and service, consistent with school and departmental missions.

3) Department heads will ensure that the Coordinator of the Office of International Programs (OIP) is informed about international visitors to campus. The purpose of keeping the Coordinator informed is to enable the OIP to provide coordination and liaison and to inform others of opportunities to hear and talk with international visitors.

Another purpose is to help the OIP increase the accuracy and comprehensiveness of its records on international visitors to the University.

4) Department heads, school deans and vice-chancellors will ensure that the Coordinator of the OIP is informed about and provided a copy of any agreement (or memorandum of understanding) proposed or entered into by a department, school or other unit. If the

agreement involves or may involve units of the University outside the department, school or other unit, the Coordinator of the OIP is to be informed of the proposed agreement and provided with a copy of the text of the agreement prior to its being signed.

B. Role of the Faculty

Primary responsibility for the development of an expanded, integrated University international effort to meet its worldwide responsibilities shall rest with the faculty. The faculty, in concert with appropriate administrative staff, including deans and department heads, shall be responsible for developing and implementing the goals, programs and activities constituting the international dimension of the University.

(#23-MISSTA)

Record

S. O. G.

Section  
5000(4)



## THE UNIVERSITY OF NORTH CAROLINA

*General Administration*P.O. BOX 2688  
CHAPEL HILL 27515-2688RAYMOND H. DAWSON  
*Vice President—Academic Affairs*

TELEPHONE: (919) 962-1000

March 17, 1987

## MEMORANDUM

TO: The Chancellors

FROM: Raymond H. Dawson *RHD*

RE: Interpretive Guidance from the Committee on Personnel and Tenure on Adequate Records in Appeal of Faculty Grievances

At its meeting on March 13, the Committee on Personnel and Tenure adopted the attached statement which provides guidance concerning the compilation and use of evidentiary records in faculty grievance proceedings. I have been instructed to supply a copy to you and to ask that you inform responsible officials and committees at your campus about these guidelines.

Enclosure

cc: President Spangler

Interpretive Guidance from the Committee on Personnel and Tenure  
in the Matter of Recording and Preserving Evidence in Faculty Grievance Cases

When a faculty grievance decision is appealed from a constituent institution to the Board of Governors, the case frequently is referred first to this committee. We are responsible for reviewing the matter and making a recommendation to the full Board. Questions have arisen about the type of evidentiary record required by this committee and by the Board of Governors as the basis for such reviews on appeal. We have addressed these questions in the past, on a case-by-case basis, but we previously have not issued any general interpretive guidelines on this subject. We believe that it would be helpful now to issue such guidelines to the constituent institutions.

First responsibility for resolving a faculty member's employment grievance rests with the established campus grievance process, which may include the opportunity for a formal hearing before a duly constituted faculty committee. Such faculty committees are responsible for receiving relevant evidence, making findings of fact, and providing advice to responsible administrators about how the controversy should be resolved. The Chancellor has final administrative responsibility for resolving the grievance, with the assistance of the faculty committee. The Chancellor's decision may be appealed to higher authorities, under the provisions of Section 501C(4) of the University Code.

Both the Chancellor, in ruling on the merits of such a case, and the University governing boards, in responding to requests for appellate review, must have access to a complete record of the evidence received at the hearing held by the faculty committee. While the conclusions of the faculty committee are entitled

to great deference, the Chancellor is responsible for determining whether the available evidence in fact supports the disposition of the case that has been recommended by the faculty committee. Similarly, both the Board of Trustees and the Board of Governors, when considering an appeal from a Chancellor's decision, must determine whether the available evidence supports the Chancellor's decision.

Accordingly, it is essential that all testimony received by a faculty committee be preserved in a form that will permit its later review both by the parties to the grievance proceeding and by the administrative officials and governing boards that may be required to consider the case. In a number of instances in the past, it has been necessary for this committee to remand cases to a Chancellor or to a faculty committee, because a complete record of the evidence had not been created or had not been preserved, thereby making it impossible for the Board of Governors to perform the appellate function contemplated by Section 501C(4) of the University Code.

The simplest and least expensive method of preserving testimony is to use reliable recording equipment, from which a written transcript may be derived if necessary. Any such recording or transcription, of course, is a part of the grievance inquiry and must be treated with appropriate confidentiality. Only the immediate parties to the controversy, the responsible administrators, and the members of the University governing boards and their respective committees should be permitted access to such materials.

This requirement for preserving evidence pertains only to formal hearing processes. When the parties use instead a mediation process, that does not involve formal hearings, findings and conclusions, no such record of testimony is required.

It is only when the parties find it necessary to seek formal resolution of a dispute, through an adversarial hearing process that results in a ruling by the Chancellor, that these concerns about proper composition and preservation of the evidentiary record become pertinent.

Adopted by the Committee on Personnel and Tenure  
March 13, 1987