

## **Regulations Concerning Senior Academic and Administrative Officers<sup>1</sup>**

### **I. Background**

On November 13, 1998, the Board of Governors took three actions that affect the employment of senior academic and administrative officers (SAAO) of the University:

- A.** The board enlarged the complement of senior academic and administrative officers at each campus by approving, with the President's endorsement, the addition of positions recommended by the SAAO Review Committee from among those nominated by the campuses under the revised definition previously adopted by the Board of Governors in January 1998.
- B.** The board approved a revised SAAO personnel policy that recognizes two separate categories of administrative employment: one category consists of positions that require Board of Governors approval for appointment and establishment of compensation; the other consists of positions for which decisions concerning appointment and compensation are delegated to the constituent institutions. The terms and conditions of employment for the two categories are different.
- C.** The board prescribed that "administrators" shall be deemed eligible for enrollment in the Optional Retirement Program only if the position they occupy is within the SAAO category of employment (and subject to the "faculty status" prerequisite described in Section C hereinafter).

The purpose of these regulations is to identify and prescribe a schedule for accomplishing all actions now required to implement these enactments of the Board of Governors.

### **II. Actions Required**

- A. Accommodating approved additions to the SAAO category; elections as to SPA or EPA status.**

Persons who currently occupy the positions that have been converted from SPA to the exempt SAAO category may elect to retain their SPA status rather than be reassigned to EPA status (although new appointees to such positions in the future uniformly will have EPA status). Each such incumbent must be provided an opportunity for a personal interview with an appropriate University official who will assist in determining how the change from SPA to EPA status would affect individual career plans. Directors of human resources and EPA personnel officers will receive detailed information concerning these interviews in their next meeting at General Administration, which is scheduled for early December. In order to assure ample time for individual interviews and individual employee elections as to status, no affected employee will move from SPA to exempt SAAO status before February 1, 1999.

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<sup>1</sup> Attachments have been omitted.

Until further notice, no change is to be made in currently authorized levels of compensation for any of the positions subject to transition from SPA to exempt SAAO status by virtue of the November 13, 1998, action of the Board of Governors, either for incumbents or for new hires into such positions.

**B. Arraying SAAO positions within the revised SAAO personnel policies.**

As noted above, the revised SAAO personnel policy recognizes two categories of administrative employment, for which different terms and conditions of employment obtain. One category (defined in Section I.A. of the revised policy) is subject to direct appointment and compensation oversight by the Board of Governors; the other (defined in Section I.B. of the revised policy) is subject to delegated campus oversight.

All SAAO positions--both those that were established on November 13, 1998, and those that were established previously by action of the Board of Governors (e.g., vice chancellors, associate and assistant vice chancellors, deans, and associate and assistant deans)--now must be assigned to the appropriate category under the revised SAAO personnel policy and made subject to the correspondingly different terms and conditions of employment.

Attachment 5 lists all SAAO positions, designated prior to November 13, 1998, that in the past have been subject to direct Board of Governors oversight (e.g., vice chancellors and deans). The operative presumption is that such positions remain subject to Board of Governors oversight, within the purview of Section I.A. of the revised SAAO personnel policy. However, with respect to any position that is marked by an asterisk, the position should be reviewed to determine whether it actually still qualifies for and should remain subject to board oversight (Section I.A. of the revised policy) or, under the revised board policy, should be removed and made subject to campus-administered oversight (Section I.B. of the revised policy). If, following such review, one or more of the positions should be removed to campus-administered oversight, a copy of the list should be returned to the Division of Academic Affairs at General Administration, with proposed changes marked and accompanying explanation of reasons for such changes, by no later than January 15, 1999. The President also retains the option of recommending to the Board of Governors that a position be removed from Board of Governors oversight to campus oversight.

All other SAAO positions established by the Board of Governors (i.e., other than those identified in Attachment 5) also must now be assigned to the appropriate category under the revised SAAO personnel policy: (1) those recognized before November 13, 1998, and traditionally subject to delegated campus oversight (e.g., associate and assistant vice chancellors, associate and assistant deans); (2) the former SPA positions newly designated as SAAO by the Board of Governors on November 13, 1998. The operative presumption is that all such positions are subject to campus oversight under Section I.B. of the revised SAAO personnel policy, with applicable terms and conditions of employment prescribed by Section III of the revised policy. Please review that aggregate list of SAAO positions, as augmented by the recently approved additions, to determine whether any such position should be considered for reassignment to direct Board of Governors oversight under Section I.A. of the revised SAAO personnel policy. Any such proposed reassignment should be presented to the Division of Academic Affairs at General Administration by no later than January 15, 1999. Again, the President retains the option of recommending to the Board of Governors that a position be removed from campus oversight to Board of Governors oversight.

### **C. Limiting enrollment in the Optional Retirement Program (ORP).**

By Administrative Memorandum Number 387, a moratorium was placed on enrollment in the Optional Retirement Program of otherwise eligible senior administrative officers of the University who do not hold faculty rank of instructor or above, due to unresolved questions about the proper interpretation of the enabling statute, N.C.G.S. § 135-5.1. Following additional discussion with interested State officials and the receipt of an opinion from the Attorney General, enrollment in the ORP, without reference to concurrent faculty status, may be offered to:

1. those persons who heretofore [prior to November 13, 1998] were appointed to a permanent full-time or permanent three-quarter-time employment position within the University now designated [on or before November 13, 1998] as a senior academic or administrative office and who hereafter properly elect to participate in the Optional Retirement Program; and
2. those persons who hereafter are appointed to a permanent full-time or permanent three-quarter-time employment position within the University now designated or hereafter designated as a senior academic or administrative office and who hereafter properly elect to participate in the Optional Retirement Program.

It is to be clearly understood that authority within the University to interpret the enabling ORP statute rests with the Board of Governors, and no variance from the board's policies and prescriptions is to be undertaken, with respect to eligibility for enrollment or other aspects of administering the ORP, without the express permission of the President, consistent with the requirements of the Board of Governors. The current, essential understanding, in that regard, is that only occupants of senior administrative positions approved pursuant to board definitions through implementing procedures mandated by the President may be offered enrollment in the ORP.

### **III. Anticipated Future Actions**

The decisions of the Board of Governors on November 13, 1998, when fully implemented, constitute a major step in achieving a more coherent and useful configuration and management of university employment. However, as anticipated in several recommendations of the SAAO Review Committee, additional steps will be required to complete work on the administrative category of employment.

First, the committee observed that some campuses may wish to augment their original list of SPA positions nominated as appropriate for conversion to SAAO status, based on the Board of Governors definitions. An opportunity to augment such lists, based on further review of each institutional work force, will be provided in the near future.

Second, there may be a number of administrative positions that historically have been treated as EPA but for which no entirely satisfactory rationale for exemption has been posited (e.g., positions within the so-called EPA non-faculty category of University employment) or which may fit more appropriately within the revised "instructional and research" complement. An inventory of such positions will be undertaken in the future to determine how they should be arrayed, so as to fit clearly within either the SAAO category or the instructional and research category, or be changed to an SPA classification.

Finally, it will be necessary, in the interest of fidelity to board standards and consistency among campuses, to reexamine some positions that currently may be considered SAAO by the campuses but that have not been evaluated in accordance with the definitions supplied by the Board of Governors in January 1998.

Additional instructions concerning these remaining steps in the process will be provided, with the assistance of the newly established EPA Advisory Board.

[This is a rewrite of Administrative Memoranda #387 and #391.]