

Adopted 2/18/02
Amended 1/31/04

Guidelines on Interpreting General Statute § 126-5(c1)(8): Instructional and Research Staff Exempt from the State Personnel Act

North Carolina General Statute § 126-5(c1) [State Personnel Act] provides that the following employees are exempt from the provisions of this statute:

- (8) Instructional and research staff, physicians, and dentists of the University of North Carolina.

The Office of State Personnel and the University of North Carolina have agreed that the following shall govern the interpretation and application of the terms “instructional” and “research” as used in N.C.G.S. § 126-5(c1)(8).

1. Instructional¹

Positions qualifying for designation as “Instructional” are characterized by the following:

- a. The duties must be associated with the regular academic and educational experiences provided by the university, or be uniquely supportive of those academic and educational experiences, and must involve significant and independent interaction with participants in the University’s instructional and educational program.
- b. The position must require that a substantial proportion of the work commitment is devoted to instructional activities or to the direction of educational/academic supportive activities.
- c. The position requires the exercise of discretion in determining the nature and content of the instructional or educational activities assigned and evaluating their effectiveness.
- d. The position requires possession of post baccalaureate credentials or equivalent independent experience in comparable instructional or educational activities.

¹ Positions directing staff that qualify as “Instructional” also qualify as “Instructional.”

The following roles represent these characteristics:

Instructing	Positions whose primary purpose is to determine course content, teach and evaluate enrolled students in courses for academic credit.
Academic Advising	Positions whose primary purpose is to advise students on academic matters such as selection of a major area of study, course selection, and academic performance.
Academic Preparation and Enhancement	Positions whose primary purpose is to improve academic preparation through such means as tutoring and supplemental instruction or to direct programs designed to enhance the educational experience of enrolled students or of targeted secondary school students to help prepare them for post-secondary education.
Co-Operative Education	Positions whose primary purpose is to develop co-operative education experiences for students with employers, monitoring progress, and evaluating student performance with direct impact on grade assignment.
Laboratory Management	Positions whose primary purpose is to manage practical experience/research laboratories and that participate in selection of experiments, protocols, and procedures which best support the instructional or research goals and in evaluating progress towards those goals.
Instructional Consulting	Positions whose primary purpose is to assist, advise, and critique faculty and other instructional staff on instructional matters such as course content, curriculum structure, and instructional technique.
Instructional Technology	Positions whose primary purpose is to utilize a variety of telecommunications and/or advanced media-based technology to plan, design, and administer distance education curricula and/or programs in support of instructional and research activities that are directly related to the institution's academic mission.

Continuing Education	Positions whose primary purpose is to design and deliver courses, seminars, etc., extending the benefit of the institution's regular academic and research activities to participants.
Coaching	Positions whose primary purpose is to coach student athletes for teams sponsored by the institution.
Academic Standards	Positions whose primary purpose is to develop and/or administer academic standards and curricula for degree granting programs.
Student Support Services	Positions whose primary purpose is to develop, direct and administer services for students and/or faculty that have a direct impact on the quality of students' educational experiences and are directly linked to the institution's academic programs. These positions include professional staff that design and deliver programs and seminars that involve direct interaction with students and enhance the overall academic and learning experience outside of a formal classroom setting.
Professional Librarians	Positions whose primary purpose is to support instructional and research activities by advising students and faculty on the selection and effective use of library resource materials and by working with faculty on instructional and research matters such as collection development.
Counselors	Positions requiring credentialed professionals whose primary purpose is to: provide clinical and developmental counseling or psychological services to students to enhance their psychological growth, emotional well-being, and learning potential; and, advise academic and academic support program directors of special needs, trends, and suggested program revisions based on the interaction with the student population.

2. Research²

Positions qualifying for designation as “Research” are characterized by the following:

- a. The position must require substantial independence in creative or research efforts and in the interpretation and dissemination of research results.
- b. The duties must be integral with the University’s instructional or research activities and represent an extension of the regular academic and education experience provided by the University.
- c. The position must require that a substantial portion of the total work commitment is devoted to those research activities.
- d. The position requires possession of post-baccalaureate credentials or a comparable record of independent research productivity.

The following represent these characteristics:

Academic Research	Positions whose primary purpose is to serve as principal investigators or research associates for primary or secondary research projects that may advance or enhance a field of academic learning. These positions function with substantial independence and expertise in research design, implementation of research procedures, data analysis, and interpretation of results.
Research Administration	Positions whose primary purpose is to direct staff serving as principal investigators assigned to research projects; or positions that serve as directors of sponsored research including determining if project proposals are consistent with the institution’s academic and research policy, advising staff on the development of project proposals, and negotiating with sponsoring agencies particularly as it relates to terms and conditions that affect academic freedom and ownership of the product.
Institutional Research	Positions whose primary purpose is to direct staff in the collection of data and information concerning

² Positions directing staff that qualify as “Research” also qualify as “Research.”

students, faculty, facilities and related items used for reporting and directly supports the institution's planning and assessment processes.

Academic Computing

Positions whose primary purpose is to direct staff in providing electronic data processing services that directly support the institution's academic and research missions.

Community Service

Positions whose primary purpose is to direct staff in the development and administration of programs which focus the academic resources and research products of the institution on the resolution of community and regional issues and foster the incorporation of these issues in the institution's academic research programs.

Technology Transfer

Positions whose primary purpose is to manage the flow of research innovation, disclosures, patents, trademarks, copyrights, and other aspects of technology transfer. These positions include professional staff who assess each disclosure for its technical and commercialization merits, develop relationships with industry, negotiate business transactions for the exchange of intellectual property rights, collaborate with regional and state economic development agencies, and/or engage in other aspects of technology transfer such as negotiating licensing or equity agreements. These positions also provide outreach services such as training and education to university faculty and students.

[This is a rewrite of Administrative Memorandum #364³.]

³ The section of Administrative Memorandum #364 related to the application of guidelines on interpreting North Carolina General Statute § 126-5(c1)(8): Instructional and Research Staff Exempt from the State Personnel Act has been rewritten as Regulation #300.2.5.1[R].