

ELIZABETH CITY STATE UNIVERSITY
Policy on Administrative Separation and Retreat

Preamble

This policy shall govern transitions in Elizabeth City State University (ECSU) employment from administrative appointments to faculty appointments. This policy is adopted pursuant to the requirements of University of North Carolina (UNC) Policy 300.1.6 and 300.1.6.2. To the extent that any provision of this policy conflicts with the UNC Policy, the UNC version shall control.

1. Administrative Separation/Retreat of the Chancellor to a Faculty Position (Applies to individuals who began service in a covered position prior to 01/08/2010)

A. Retreat to a Faculty Position

If the Chancellor resigns from the position of Chancellor, after having served in that position for at least five years, the Chancellor will assume a tenured or non-tenured faculty position; and if there is not good cause to terminate the Chancellor's service at the time that the Chancellor resigns, the Chancellor will receive one year of research leave at the Chancellor's most recent administrative salary. Non-salary compensation such as a house and an automobile will not be continued during the one year research leave.

At the end of the research leave, the Chancellor will assume the faculty position with a nine month appointment, with duties and responsibilities in accordance with departmental expectations. The initial annual faculty salary will be the greater of 60% of the most recent annual administrative salary or a salary that is commensurate with the salaries of comparable faculty members in comparable positions.

B. Separation from the University

In some cases, the Chancellor may not be assuming a faculty position. It may be in the best interest of ECSU and the Chancellor to negotiate a severance agreement. In these circumstances, the UNC President may, at his or her discretion, determine that the circumstances justify providing severance pay in the amount of the Chancellor's full administrative pay for up to 90 days. Non-salary compensation such as a house and an automobile will not be continued during this period of full compensation, although the President may allow the Chancellor a reasonable amount of time to vacate the Chancellor's house. Any agreement that results in a longer period of compensation must be approved by the UNC Board of Governors.

C. Separate Agreement

If the UNC Board of Governors enters into a written agreement with the Chancellor, the terms of that agreement shall supercede this policy.

1. Administrative Separation/Retreat of the Chancellor to a Faculty Position (Applies to individuals who began service in a covered position on or after 01/08/2010)

A. Return to a Faculty Position

If the Chancellor resigns from the position of Chancellor, after having served in that position for at least five years, the Chancellor will assume a tenured or non-tenured faculty position; and if there is not good cause to terminate the Chancellor's service at the time that the Chancellor resigns, the Chancellor will receive research leave upon the following terms:

1. The leave shall be for a period of six months;
2. The Chancellor shall receive a faculty salary during the leave commensurate with salaries of faculty members of comparable rank and experience in comparable positions;
3. Up to six additional months of leave may be approved by the UNC President when in his or her discretion additional leave time is warranted;
4. Non-salary compensation such as a house and an automobile will not be continued during the research leave;
5. Prior to beginning the leave, the Chancellor will submit a work plan for the leave period, to include a description of the expected outcomes. The plan will be reviewed and recommended by the UNC President for approval by the UNC Board of Governors. At the conclusion of the research leave, the former Chancellor shall submit a summary report to the UNC President, UNC Board of Governors, and ECSU Board of Trustees.
6. At the end of the research leave, the Chancellor will assume the faculty position with a nine month appointment or with a length comparable to others in the department, with duties and responsibilities in accordance with departmental expectations of faculty of comparable rank and experience. Ongoing responsibilities will be determined by the campus. The continuing annual faculty salary will be determined through the regular campus salary setting process. In the event that the Chancellor does not assume a faculty position at the end of the research leave in accordance with this policy, the UNC President is authorized, in his or her discretion, to require repayment of compensation paid during the leave period from the non-returning Chancellor.

These provisions related to research leave do not apply to individuals who have not served as Chancellor for at least five years. If any paid research leave is granted under these

circumstances, it requires approval by the UNC Board of Governors upon the UNC President's recommendation.

B. Return to Administrative Appointment

If the Chancellor resigns from his or her position to return to another administrative position at ECSU, the terms for such a return must be recommended by the UNC President and approved by the UNC Board of Governors.

C. Separation from the University

In some cases, the Chancellor may not be assuming a faculty position. It may be in the best interest of ECSU and the Chancellor for the UNC President to negotiate a severance agreement. In these circumstances, the UNC President, at his or her discretion, determine that the circumstances justify providing severance pay in the amount of the Chancellor's full administrative pay for up to 90 days. Non-salary compensation such as a house and an automobile will not be continued during this period of full compensation, although the UNC President may allow the Chancellor a reasonable amount of time to vacate the Chancellor's house. Any agreement that results in a longer period of compensation must be approved by the UNC Board of Governors.

D. President

For any action under this policy for which the UNC President takes an action or makes a recommendation to the UNC Board of Governors regarding the Chancellor, the UNC Board of Governors will assume that responsibility in the case of the UNC President.

E. Separate Agreement

If the UNC Board of Governors enters into a written agreement with a Chancellor, the terms of that agreement shall supersede this policy.

F. Effective Period

The policy as revised effective January 8, 2010 applies to individuals who begin service as Chancellor on or after the effective date. The original policy adopted on August 12, 2005 remains in full force and effect for the Chancellor appointed prior to the effective date of this revised policy.

2. Administrative Separation/Retreat to a Faculty Position (Applies to individuals who began service in a covered position prior to 05/02/2010)

A. Retreat to a Faculty Position

An administrator who holds a concurrent tenured faculty appointment may return to that appointment with all the rights and responsibilities of faculty in the home department, unless a proceeding is initiated to discharge or demote the administrator from the faculty position. If there has been an administrative stipend during the appointment, that stipend should be removed. The salary will be adjusted from a 12-month administrative salary to a 9-month or 12-month faculty salary that is commensurate with the salaries of comparable faculty members. At the Chancellor's discretion, a reasonable period of time may be provided with full administrative salary to provide an opportunity for the employee to prepare for teaching and research responsibilities. The reasonable period of time should be related to the time spent in administrative duties. If the Chancellor proposes to pay the administrator full or partial administrative pay after the termination of the administrator's administrative duties for longer than one year, the agreement must be approved by the ECSU Board of Trustees.

B. Reappointment of an Administrator Without Faculty Retreat Rights

An administrator leaving a position that is categorized as "at will" has no claim to a position at ECSU; however, there may be circumstances in which assignment to another administrative or teaching position would be beneficial for both ECSU and the employee. In these cases, the new salary should be appropriate to the assignment. If the Chancellor proposes to pay the administrator his or her full administrative salary after moving the administrator to a position that would normally be lower paying, or if paid leave is to be granted, the agreement with the administrator must be approved by the ECSU Board of Trustees. This guideline does not supercede any notice or severance pay required by ECSU Policy 200.3.8.

C. Separation from the University

In some cases, it may be in the best interest of ECSU to negotiate a severance agreement with an administrator. ECSU addresses timely notice for termination of Senior Academic and Administrative Officers hired pursuant to ECSU Policy 200.3.8, 1.B. In accordance with ECSU Policy 200.3.8, 3.B., in certain circumstances these employees are entitled to notice of the discontinuation of their employment with full pay for up to 90 days or severance pay, depending on their length of service. The Chancellor, at his or her discretion, determines that the circumstances to justify continuing full pay for employees subject to ECSU Policy 200.3.8, 1.A. for up to 90 days. Any agreement that results in a longer period of compensation must be approved by the ECSU Board of Trustees.

D. Retirement

This policy shall not prevent an administrator from retiring or an administrator who holds a faculty appointment from participating in phased retirement consistent with ECSU Policy 300.2.8.

2. Administrative Separation/Retreat to a Faculty Position (Applies to individuals who began service in a covered position on or after 05/02/2010)

A. Return to a Tenured Faculty Position

An administrator who holds a concurrent tenured faculty appointment may return to that appointment with all the rights and responsibilities of faculty in the home department, unless a proceeding is initiated to discharge or demote the tenured faculty member. If there has been an administrative stipend during the appointment, that stipend shall be removed. The salary shall be adjusted from a 12-month administrative salary to a 9-month or 12-month faculty salary that is commensurate with the salaries of comparable faculty members.

B. Research Leave

The Chancellor, at his or her discretion, may provide up to one semester of research leave for any tenured faculty member who has served in one or more consecutive Senior Academic and Administrative Officer positions subject to ECSU Policy 200.3.8, 1.A. for at least five years in order to provide an opportunity for the faculty member to prepare for teaching and research responsibilities. Prior to the beginning of the research leave, the administrator shall submit a work plan for the leave period to include expected outcomes. The plan will be reviewed and approved by the Chancellor. The leave will be paid at a salary commensurate with the salaries of comparable faculty members.

C. Exception Provision

Exceptions may be made to recognize extraordinary circumstances including, but not limited to, extended or superior service in administrative roles. Any exception to these provisions must be approved by the ECSU Board of Trustees and by the UNC President.

D. Failure to Return to Faculty Role

In the event that the faculty member does not assume faculty responsibilities for at least a semester after the research leave in accordance with this policy, the Chancellor is authorized, in his or her discretion, to require repayment of compensation paid during the leave period from the non-returning faculty member.

E. Reappointment of an Administrator Without Faculty Return Rights

An administrator leaving a position that is categorized as “at will” has no claim to a position at ECSU; however, there may be circumstances in which assignment to another administrative or teaching position would be beneficial for both ECSU and the employee. In these cases, the new salary should be appropriate to the assignment. Any exception

must be approved by the ECSU Board of Trustees and the UNC President. This policy does not supersede any notice or severance pay required by ECSU Policy 200.3.8.

F. Separation from the University

In some cases, it may be in the best interest of ECSU to negotiate a severance agreement with an administrator. ECSU Policy 200.3.8 addresses timely notice for termination of Senior Academic and Administrative Officers hired pursuant to ECSU Policy 200.3.8, 1.B. In certain circumstances, these employees are entitled to notice of the discontinuation of their employment with full pay for up to 90 days or severance pay, depending on the length of service. A Chancellor, at his or her discretion, determines that the circumstances justify continuing full pay for employees subject to ECSU Policy 200.3.8, 1.A. for up to 90 days. Any agreement that results in a longer period of compensation must be approved by the ECSU Board of Trustees.

G. Retirement

This policy shall not prevent a tenured faculty member from immediately participating in phased retirement, consistent with ECSU Policy 300.2.8.1.

H. Coverage

This section applies to Senior Academic and Administrative Officers hired on or after May 2, 2010. Employees serving as Senior Academic and Administrative Officers prior to the approval date remain covered under the previous regulations.