

**The University of North Carolina at Chapel Hill**  
**POSTDOCTORAL SCHOLAR POLICY**

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**I. Introduction**

The University of North Carolina at Chapel Hill (the “University”) hosts approximately 1,000 postdoctoral scholars on its campus each year. Postdoctoral scholars (“Postdocs”) are hosted in many different departments, schools and centers throughout the University. While the University seeks to provide Postdocs with the opportunity to continue their academic training through on-site practice experience, many aspects of the relationship between the University and its Postdocs are also that of an employer-employee relationship. Given the hybrid nature of the association between Postdocs and the University, the University has adopted this Postdoctoral Scholar Policy (the “Policy”) to delineate the obligations and expectations of all parties involved in Postdoc training.

All Postdocs must comply with the requirements set forth in this Policy. Any questions about the Policy should be directed to the University’s Office of Postdoctoral Affairs (“OPA”). OPA’s mission is to enhance, support, and promote postdoctoral training at the University and to help prepare Postdocs for successful careers. OPA is available to provide guidance to Postdocs, faculty, and other members of the campus community in all disciplines, schools, and colleges across the University. OPA has two locations and can be contacted using the information below:

**OPA Main Campus Location**

308 Bynum Hall  
222 East Cameron Avenue  
Chapel Hill, N.C. 27599  
Phone: (919) 962-9982  
Fax: (919) 962-6769

Email: [opa@unc.edu](mailto:opa@unc.edu)

**OPA Health Affairs Location**

1114 Bioinformatics Building  
130 Mason Farm Road  
Chapel Hill, N.C. 27599  
Phone: (919) 962-9982  
Fax: (919) 843-3654

Email: [opa@unc.edu](mailto:opa@unc.edu)

Detailed guidance on the issues discussed in this Policy is also available in the Postdoctoral Resource Handbook (the “Handbook”). The Policy, the Handbook, and other helpful resources

for Postdocs, faculty and administrators can be found on OPA's website at <http://postdocs.unc.edu>. All Postdocs, faculty and administrative personnel involved in the recruitment, appointment and training of Postdocs are expected to carefully read and adhere to this Policy.

## II. Definition of Postdoctoral Scholar<sup>1</sup>

A postdoctoral scholar or fellow (a "Postdoc") is an individual who has been awarded a doctorate (or equivalent) degree and who is appointed by the University on a temporary, fixed-term basis to perform full-time research or scholarship. Each Postdoc is assigned to work under the mentorship and supervision of an assigned "Mentor," a senior researcher, scholar or faculty member in the same area of research or scholarship as the Postdoc. Postdocs conducting research are expected to publish the results of their work during their appointment in consultation with their Mentors. A Postdoc may be appointed as part of a clinical training program or provided the opportunity to teach so long as research or other on-site practice experience under the supervision of a Mentor is a primary purpose of the appointment.

**All Postdocs must have a Ph.D. (or an equivalent doctorate or terminal degree, such as a M.F.A., Sc.D., J.D. or M.D.) in an appropriate field of study** (or at least must have completed all of the requirements for such a degree before his or her postdoc appointment begins). Each Postdoc must provide **both** his or her assigned Mentor and OPA's Human Resources ("HR") Consultant with documentary proof of his or her Ph.D. or equivalent degree **before** his or her appointment as a Postdoc begins. An official transcript from the institution awarding the degree fulfills this requirement. Candidates with degrees from institutions outside the U.S. must hold advanced degrees that are equivalent to doctorate degrees awarded by U.S. institutions and will be required to provide documentary proof of such degree as determined to be appropriate by the Department or responsible unit and OPA.

A failure to timely provide appropriate documentation of a doctorate or equivalent terminal degree may result in dismissal for cause.

As stated above, an individual may be appointed as a Postdoc if he or she has completed all of the requirements for a doctorate (or equivalent terminal) degree before his or her postdoc appointment begins even if the degree has not yet been formally conferred. In these cases, the Postdoc must provide **both** his or her Mentor and OPA's HR Consultant with sufficient documentary evidence of completion of the degree requirements, together with a statement from the institution awarding the degree identifying the date on which the degree is to be conferred. This information must be provided **before** the appointment as a Postdoc begins. Moreover, as soon as the transcript or diploma documenting the formal conferral of the degree is available, the Postdoc must provide a copy of the transcript or diploma to his or her Mentor and OPA. Please remember that immigration rules require that an individual be eligible for appointment in the job title when H-1B status is approved. Therefore, the requisite degree should be conferred before

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<sup>1</sup> This definition is modeled after the definitions recommended by the Federation of American Societies for Experimental Biology and the American Association of Medical Colleges.

an immigration petition for employment as a Postdoc is filed. Please consult [UNC International Student & Scholar Services](#) (“ISSS”) for additional information.

Postdocs are classified as full-time temporary employees who are exempt from the State Personnel Act. Requests for part-time classification or a reduction of hours will be considered by the Vice Chancellor for Research for individuals who are unable to pursue full-time employment due to extenuating circumstances. These requests should be submitted in writing directly to the Vice Chancellor for Research. Individuals in non-immigrant H1-B status must be employed full-time so please consult with ISSS before making any changes to an international Postdoc’s employment status. Any requests for accommodations based on disability or religion should be submitted directly to the University’s Equal Opportunity/ADA Office. More information about this process is available in the University’s [ADA Reasonable Accommodations in Employment Policy](#) and the [Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination](#).

### **III. Appointment of Postdoctoral Scholars**

#### **A. Application Process and Criminal Background Checks**

All faculty and staff, including Postdocs, are subject to the University’s policy on [Criminal Conviction Checking](#). All selected candidates for Postdoc appointments must have criminal conviction checks processed and reviewed in accordance with that policy. University employees, including Postdocs, are also required to report any criminal convictions under the [Policy on Reporting of Criminal Convictions for Currently Employed Faculty and Staff](#) within five (5) business days of conviction. In cases of such reports, the University will determine the most appropriate action to be taken, if any. Such action may include, but is not limited to, modification of assigned duties or work assignment, continuation of employment conditional on successful completion of appropriate treatment or counseling, or appropriate disciplinary action up to and including termination of employment. Please refer to the Office of Human Resources (“OHR”) website at <http://hr.unc.edu> for additional information.

Any misrepresentation or omission of material fact used to gain or continue a Postdoc appointment will be sufficient cause for refusal of appointment or immediate dismissal from the University. Postdocs may also be held personally liable for any consequential damages directly or indirectly resulting from such misrepresentations or omissions.

The University does not discriminate in offering access to its educational programs and activities or with respect to employment terms and conditions on the basis of race, color, gender, national origin, age, religion, creed, genetic information, disability, veteran’s status, sexual orientation, gender identity or gender expression. Please refer to the University’s [Policy Statement on Non-Discrimination](#) and [Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination](#) for additional information. If a Postdoc believes that he or she is being harassed, discriminated or retaliated against in violation of these policies, he or she should discuss these concerns with the University’s [Equal Opportunity/ADA Office](#) as soon as possible. If an employee in an administrative or supervisory position has knowledge of conduct

that may constitute prohibited harassment, discrimination or retaliation, he or she must take steps to promptly and appropriately address the matter. Any other employee who becomes aware of conduct that may constitute prohibited harassment, discrimination or retaliation is strongly encouraged to contact the [Equal Opportunity/ADA Office](#) immediately.

## **B. Appointment Letters**

An appointment letter must be issued for each new Postdoc appointment. Departments or responsible units should use the standard Appointment Letter Template available on OPA's website. It is recommended that the appointment letter be sent to the postdoctoral appointee at least thirty (30) days prior to start of the appointment. Mentors are encouraged, when possible, to issue appointment letters for individuals in J-1 Exchange Visitor status at least two (2) to four (4) months prior to start of the appointment and for individuals in H-1B Temporary Worker status at least six (6) months prior to start of the appointment.

The appointment letter must include the following: **(a)** an offer of appointment to the postdoctoral appointee specifying the appointment period and applicable working title **(b)** the salary amount; **(c)** the name of the appointee's assigned Mentor; **(d)** notification of employment documentation requirements pursuant to the Immigration Control and Reform Act of 1986 ("IRCA"); **(e)** notification of the proof of doctoral degree requirement; **(f)** the duties and responsibilities of the appointee; **(g)** a copy of this Policy and the address for the OPA website ([www.postdocs.unc.edu](http://www.postdocs.unc.edu)); **(h)** a statement that the appointee is required to attend a mandatory New Postdoctoral Scholar Orientation session (held monthly) within ninety (90) days of his or her date of appointment; **(i)** a statement that the appointee is subject to University policies; and **(j)** a request for the appointee's signature and return of letter by a given date. Appointment letters should also include information about benefits, including the amount of leave to be provided, if available.

A signed copy of the Postdoc's Conditions of Employment form ("COE") and appointment letter, along with any documented changes to the terms of appointment or renewals, should be kept in the Postdoc's departmental file. Postdocs must be categorized as: Postdoctoral Fellow/Trainee, Postdoctoral Research Associate or Postdoctoral Scholar – Paid Direct.

Postdoctoral appointments are contingent upon the appointee's timely and satisfactory submission of the signed appointment letter and of documentary evidence of his or her personal identity, eligibility to work in the United States as required by federal law, and receipt of a doctoral degree (or other equivalent terminal degree) as explained in Section II, above.

## **C. Changes to Appointment Letters.**

Any changes to an appointment letter must be issued to the Postdoc in writing, with a copy submitted to OPA. In the case of international Postdocs, proposed changes to a Postdoc's term of appointment must be submitted to ISSS **before** they are made as proposed changes may require filing an amended immigration petition.

#### **D. Fixed-Term Appointment Periods and Renewals of Appointment**

Postdoc appointments have fixed end dates. Unless otherwise stated in the appointment letter, Postdocs are appointed for a one-year term. Appointments **do not** automatically renew upon expiration of their term. Moreover, the University is under no obligation to renew an appointment. The decision of whether to do so is in the sole discretion of the University.

At the end of the term, a Postdoc's appointment may be renewed at the University's discretion based upon satisfactory work performance, research progress, the existence of available funding and programmatic need. If an appointment is renewed, the renewal will be for a period of one year unless otherwise stated in the renewal letter. Please note that international Postdocs may have time restrictions on their appointments based on immigration status. Therefore, it is recommended that proposed renewals of appointment for an international Postdoc be discussed with ISSS at least six (6) months before the expiration of his or her current immigration status, when possible.

If an appointment is renewed, a renewal letter documenting the renewal of appointment and containing the required information described in Section B, above, must be provided to the Postdoc in writing, with a copy submitted to OPA. Again, in the case of international Postdocs, proposed renewals must be submitted to ISSS **before** they are made as international Postdocs may have time restrictions on their appointments based on immigration status and proposed renewals may require filing an amended immigration petition.

#### **E. The Five-Year Maximum Term of Appointment**

Because the primary purpose of a Postdoc appointment is training, **the maximum term of appointment for a Postdoc is five (5) years** (subject to the process for extensions provided below). This maximum term of appointment applies to the **total** time spent at the University as a Postdoc (regardless of which department, school, center or unit) and does not include time spent at other institutions. Following the maximum five-year period as a Postdoc, the Postdoc must either: (a) be hired into an established employee position; (b) be separated from the University with a minimum of sixty (60) calendar days' notice (see Section VIII(C)(2), below); or (c) receive prior approval to work beyond the five year limit (*i.e.*, an "extension").

An individual may not serve as a Postdoc at the University for longer than the five (5) year maximum term of appointment unless he or she obtains prior approval for an extension from the Vice Chancellor for Research. To request an extension of the maximum term of appointment, Mentors should complete a Request for Extension of Maximum Term of Appointment Form (available on [OPA's website](#)) detailing the exceptional circumstances that require an extended maximum term of appointment. This form must be signed by the Postdoc, his or her Mentor and the applicable department chair (or dean or director, when appropriate) and submitted to the Vice Chancellor for Research for approval no later than ninety (90) days **before** the end of the Postdoc's maximum five (5) year term of appointment. While requests for extensions are reviewed on a case-by-case basis, possible reasons for requesting extensions include the Postdoc's need for additional time to experience multiple fields of study, to complete

ongoing research, or to finish and/or publish articles regarding his or her research. Extensions may also be considered in cases where a Postdoc began research in a new field, took an extended leave of absence during his or her appointment, or conducted research under a grant that extends beyond the maximum five-year period.

A copy of the Postdoc's request for extension should be placed in the Postdoc's departmental file. For additional guidance on extensions, please contact OPA. Also, please note that international Postdocs may have restrictions based on immigration status that limit the length of their time in the U.S. Therefore, proposed extensions of the maximum term of appointment for international Postdocs should first be discussed with ISSS and a copy of any Requests for Extension of Maximum Term of Appointment for international Postdocs should also be provided to ISSS.

#### **IV. Expectations of Postdoctoral Scholars**

All Postdoc appointments are contingent upon the Postdoc's satisfactory work performance, research (or other work) progress, the existence of availability of funding and programmatic need. All Postdocs, in all disciplines, schools, colleges and centers across the University, must meet the following expectations at all times during their appointment:

- A. Conscientious, satisfactory and complete performance of assigned duties;**
- B. Adherence to all ethical standards and good laboratory and/or professional practice, if applicable** (including but not limited to the receipt of required training on and compliance with all University standards and federal regulations as they relate to responsible conduct in research, conflicts of interest, confidentiality, privacy and human subjects research, animal care and use, laboratory safety, and the use of radioisotopes);
- C. Open and timely discussions with his or her assigned Mentor regarding his or her research or work** (including regular discussions about research (or other work) progress; distribution of reagents or materials; status of any publications, reports or other written drafts; and prompt, advance discussion of any private or public disclosure of findings, techniques or potentially patentable or copyrightable discoveries derived from the Postdoc's research);
- D. Collegial conduct towards his or her Mentor, coworkers, staff and other individuals with whom the Postdoc interacts; and**
- E. Compliance with all University policies and procedures, including the requirements set forth in this Policy.**

Additional guidance and resources on these expectations and the standards referenced herein are available during New Postdoctoral Scholar Orientation and on the OPA website at <http://postdocs.unc.edu> and the [Postdoctoral Resource Handbook](#). University policies and procedures are available at <http://www.unc.edu/campus/policies.html>. A failure to meet these expectations may result in disciplinary action, up to and including suspension or dismissal.

#### **V. Expectations of Mentors**

Mentors are responsible for providing advice, guidance and assistance to their assigned Postdocs regarding not only their specific research or scholarship goals, but also the Postdoc's overall educational experience and career development. Mentors should regularly meet with their assigned Postdocs throughout their appointments, and clearly and consistently communicate the goals, objectives and expectations of their Postdocs and their assigned tasks and projects. Mentors should encourage Postdocs to present their work and publish the results of their research or scholarship in a timely fashion, if applicable. They should also help Postdocs acquire and enhance their knowledge and technical skills based on their current and future needs. Finally, to help provide necessary feedback, Mentors are required to provide a written performance evaluation of their assigned Postdocs each year (see Section VI, below).

The Mentor and the Department (or center or other unit) are responsible for maintaining a departmental file for each Postdoc which, at a minimum, should contain copies of the Postdoc's appointment letter, COE, Individual Development Plan, annual evaluations, and records of the amount and type of leave taken, as well as renewal letters, changes to terms of appointment, or requests for extension of maximum term of appointment, if any (see Section VI, below). From time to time, OPA may conduct departmental audits to ensure that Postdoc files are appropriately maintained.

A variety of resources for Mentors are available on the [Faculty and Staff Resources](#) page of [OPA's website](#). OPA also sponsors events for Mentors and HR Facilitators who work with Postdocs, such as New PI Training, hosted by the University's [Center for Faculty Excellence](#), and the School of Medicine's Quarterly HR Training. Please check OPA's website for more information and upcoming dates.

#### **VI. Annual Performance Evaluations and IDP Review**

Feedback, guidance and constructive criticism are important for a Postdoc's personal and professional growth. Therefore, at the beginning of appointment, each Postdoc will prepare an Individual Development Plan ("IDP") that identifies his or her professional development needs and career objectives. IDPs also serve as a communication tool between the Postdoc and his or her Mentor. A form IDP can be found on the [OPA website](#).

A written evaluation of each Postdoc's work performance will also be performed on an annual basis (based on appointment year) using the [Annual Evaluation Form](#) available on the [OPA website](#) or a similar form. Annual evaluations should be completed no later than thirty (30) days before the anniversary of the Postdoc's appointment date. For example, if a Postdoc was

appointed for a three year term on May 15, 2013, her evaluations should be completed no later than April 15, 2014, April 15, 2015 and April 15, 2016 (thirty days before her anniversary date of May 15<sup>th</sup>). For Postdocs serving a one-year appointment only, a written evaluation must be prepared at least thirty (30) days prior to the end of appointment.

The evaluation process is straightforward and simple. The Mentor will complete the evaluation form (or a similar document) and discuss it with the Postdoc during a meeting held between the Mentor and the Postdoc. The Mentor and Postdoc should review the evaluation together and then both sign the form. Preparation of the evaluation and the meeting between the Mentor and the Postdoc should all occur at least thirty (30) days before the anniversary of the Postdoc's appointment date. Once the annual performance evaluation is complete and signed by both parties, a copy should be placed in the Postdoc's departmental file.

## **VII. Compensation & Benefits**

### **A. Compensation**

Effective December 1, 2016, the **minimum compensation** for Postdocs is \$913 a week (or \$47,476 per year). This minimum annual compensation amount is assessed at each year by the Faculty Advisory Committee. While the University already provides a competitive minimum stipend, compensation above the minimum compensation amount is encouraged when possible and appropriate. Waivers of the minimum compensation amount will be considered by the Vice Chancellor for Research only under extreme circumstances. Nonetheless, to comply with the Fair Labor Standards Act of 1938, as amended ("FLSA"), all Postdocs must have a total salary (base salary plus supplements) of no less than \$23,660. This equates to a monthly equivalent of \$1,972 or \$455 per week. Only salary paid directly through the University's payroll may be counted toward satisfying this limit. Pay or stipends from outside organizations or entities, such as those that may be paid to visiting scholars, may not be considered in meeting the FLSA minimum salary requirement.

Finally, Postdocs may not be "self-funded." In other words, they must receive funding from the University and/or from clearly documented external sources; Postdocs may not work for free or fund themselves.

### **B. Leave**

Postdocs are eligible for a specified amount of paid vacation leave, paid sick leave and, when applicable, paid parental leave. Leave is granted based on appointment year (as opposed to calendar year) starting with the Postdoc's appointment date. Unless otherwise stated, a Postdoc shall receive: (a) **twelve (12) days of paid vacation leave** per appointment year (in addition to recognized University holidays) and (b) **twelve (12) days of paid sick leave** per appointment year. Twelve days of vacation and twelve days of sick leave is a required minimum; a greater number of vacation days can be negotiated between the Postdoc and the Mentor. Use of vacation leave is subject to the Mentor's prior approval. Leave is available in total on the first day of the appointment.



Vacation leave and sick leave cannot be carried over to the next appointment year and will be awarded annually for Postdocs who are appointed for more than one year. In other words, a Postdoc's compensated leave expires one year from the date of appointment. Leave does not accrue. Tracking of Postdoc leave in TIMs is not required. However, a record of any leave taken by the Postdoc should be kept in the Postdoc's departmental file.

Unused vacation leave and sick leave will not be paid out when an appointment ends.

Finally, Postdocs are also eligible for six (6) weeks of **paid parental leave** to care for a new biological, adopted or foster child, which includes exhausting all available paid vacation and sick leave. This leave is available upon presentation of appropriate documentation to OPA's HR Consultant and must be taken within one year of the relevant birth, adoption or foster care placement of the child. Postdocs may also be eligible for Family and Medical Leave if they meet certain eligibility requirements set forth in the University's [Family and Medical Leave Policy](#). International Postdocs should consult with ISSS to confirm what leave is allowed under their current immigration statuses.

### **C. Other Benefits**

Postdocs who meet the relevant eligibility requirements may enroll in Postdoc health insurance and dental insurance plans provided through the University. Postdocs are also eligible to enroll in the University's 403(b) supplemental retirement plan. For more information about these benefits, please visit OHR's benefits website at <http://hr.unc.edu/benefits>. Career counseling resources are also available to Postdocs during their appointment through the OPA. For more information, please see the [Career and Professional Development](#) page on the [OPA website](#). Finally, Postdocs may be eligible for other benefits. For more information about the benefits available, please refer to the [Handbook](#) and [OPA's website](#), specifically, the [Benefits and Services](#), [FAQ for Postdoctoral Scholars](#) and [Postdoc Health Coverage](#) pages.

## **VIII. End of Appointment: Resignation, Discontinuation and Dismissal for Cause**

A Postdoc appointment may end due to: **(1)** the Postdoc's resignation, **(2)** discontinuation of the Postdoc's appointment; or **(3)** dismissal for cause. If a Postdoc is here in a University-sponsored non-immigrant status, discontinuation or dismissal of the Postdoc should be coordinated with OPA and ISSS prior to giving any notice of the discontinuation or dismissal when possible. A Postdoc may challenge a discontinuation or dismissal through the formal or informal dispute resolution procedures described below (see Sections IX and X). At the end of their appointments, Postdocs are not eligible for severance pay or for payout of vacation leave, sick leave or parental leave.

### **A. Responsibilities at End of Appointment**

Regardless of whether a Postdoc's appointment ends due to resignation, discontinuation, dismissal, or otherwise, a Postdoc has certain responsibilities to meet at the end of appointment.

First, the Postdoc should work with his or her Mentor to submit research results, if any, for publication by the end of appointment, if possible. Second, the Postdoc must leave all original notes, computerized files, equipment, documents and any other tangible materials in his or her possession with his or her Mentor prior to departure. As a practical matter, other individuals may need access to these materials to continue related research or other work. These materials and information are the property of the University and the University retains the right to own, disclose and use such materials and information at any time and for any purpose during and after the appointment.

The Postdoc may copy notes, computerized files, and other research materials that he or she helped generate during the appointment **only** with prior, written permission to do so from his or her assigned Mentor **and only** if such reproduction is permitted under the terms of any applicable grant agreements or other contracts. Moreover, future use of any such material and information by the Postdoc is limited by any conditions set forth by his or her Mentor and the terms of any applicable grant agreements or other contracts. Any confidential information obtained by the Postdoc during his or her appointment must remain strictly confidential and may be disclosed only in accordance with federal or state law, University policy and the terms of any applicable grant agreements or other contracts.

At the end of appointment, all Postdocs are invited to participate in an exit survey and join the OPA alumni database. Postdocs are also encouraged to share with OPA any feedback that they may have about their experiences at the University and any ideas for improving the Postdoc program. Also, international Postdocs must submit a Departure Notice to ISSS upon the completion, dismissal, resignation or termination of their appointments.

## **B. Voluntary Resignation**

A resignation occurs when a Postdoc chooses to end his or her appointment before the end of the appointment term. Postdocs must provide at least thirty (30) calendar days' written notice to his or her Mentor and to OPA before resignation, unless the Postdoc and Mentor mutually agree to a shorter notice period. International Postdocs should also send a copy of the notice of resignation to ISSS and complete an ISSS Departure Notice.

## **C. Discontinuation**

A discontinuation occurs when a Postdoc's appointment is ended for one of three reasons: **(1)** natural expiration of his or her appointment period; **(2)** the Postdoc has reached the maximum five (5) year appointment period (or the end of his or her extension); or **(3)** loss of funding. A Postdoc may challenge discontinuation of appointment due to loss of funding through the informal dispute resolution procedures or the formal grievance process described below. A formal grievance must be filed within 14 calendar days of the date of the notice of discontinuation as provided in Section X, below.

### **I. Expiration of Appointment**

An appointment will end upon natural expiration of its current appointment period unless a written notice of renewal is provided in advance of the expiration. No prior notice is required in these cases.

## **2. Maximum Term of Appointment**

Upon sixty (60) days' notice, a Postdoc's appointment must be ended if he or she reaches the five (5) year maximum limit for total time spent as a Postdoc with the University (unless an extension is obtained). If an extension is obtained, the Postdoc's appointment will terminate at the end of the extension period. No prior notice is required in these cases.

## **3. Loss of Funding**

Upon thirty (30) days' notice, a Postdoc's appointment may be ended due to loss of funding for the appointment. Mentors should immediately consult with ISSS regarding any loss of funding for international Postdocs.

## **D. Dismissal for Cause**

A Postdoc may be dismissed and have his or her appointment ended for cause at any time during an appointment. Stated causes for dismissal include, but are not necessarily limited to, unsatisfactory performance of duties, repeated absenteeism, negligence of duty, failure to timely provide the appropriate documentation regarding a doctorate or equivalent terminal degree, unacceptable misconduct, or any violation of the standards set forth in this Policy or any other University policy or state or federal law.

Before a Postdoc may be dismissed for cause, Mentors must discuss the matter directly with the Director of OPA. In the case of international Postdocs, termination for cause should also be discussed with ISSS in advance. It is recommended that the Mentor issue at least one written warning to the Postdoc, as appropriate, regarding any performance or conduct issues before issuing a written notice of dismissal for cause. Written warnings, however, are not required. In some cases, a Postdoc may be placed on paid leave until a final decision regarding the dismissal can be reached.

Postdocs who are dismissed for cause will receive a written dismissal notice. In this notice, Mentors should clearly document the actions of the Postdoc constituting cause for dismissal and any previous attempts to address these concerns with the Postdoc directly. Copies of the notice should be placed in the Postdoc's departmental file and sent to OPA.

A Postdoc may challenge his or her dismissal for cause through the formal or informal dispute resolution processes described below. A formal grievance must be filed within 14 calendar days of the date of the notice of dismissal as provided in Section X, below.

## **IX. Informal Dispute Resolution**

Postdocs and Mentors who have concerns or complaints regarding the appointment of a Postdoc are strongly encouraged to first consult with OPA for guidance. OPA can help direct Postdocs to the appropriate resources and, in some cases, may assist with informally resolving the issue at hand. In addition to OPA, there are a number of other resources available on campus, described below.

### **A. University Ombuds Office**

Postdocs and Mentors may consult with the University Ombuds Office at any time to address matters of concern. The Ombuds Office is a safe place where employees can talk in confidence about a workplace issue, problem, or dispute. The Ombuds Office listens to complaints, provides information, facilitates communication, and helps arrange mediation or conflict resolution between or among members of the University's faculty, staff and Postdocs. Use of the Ombuds Office is voluntary and free. More information about the Ombuds Office and additional resources are available at <http://www.ombuds.unc.edu>.

Please note that the Ombuds Office supplements, but does not replace, the University's formal channels of filing a complaint, such as the Formal Grievance Process, and does not serve as a place to put the University on notice of claims. So long as there is no imminent risk of serious harm, consultation with the Ombuds Office is confidential.

### **B. Mediation through the Office of Human Resources**

Postdocs and Mentors are also invited to openly discuss and resolve any workplace issues through the University's mediation process, which is governed by the Mediation Policy available at [http://hr.unc.edu/policies-procedures-guidelines/epa-non-faculty-policies/epa-nf\\_grievance/MEDIATION](http://hr.unc.edu/policies-procedures-guidelines/epa-non-faculty-policies/epa-nf_grievance/MEDIATION). Postdocs can use this process and still preserve their rights under the Formal Grievance Process if they submit a completed Mediation Form to Employee & Management Relations in OHR within fourteen (14) calendar days of the alleged action (*i.e.*, within the same timeframes required by the Formal Grievance Process). Upon receipt of the appropriate documentation, a mediation session will be scheduled so that both sides can sit down and discuss the issues at hand. A formal grievance may then be filed within fourteen (14) calendar days after completion of the mediation process, if necessary.

### **C. Administrative Review through the Equal Opportunity/ADA Office**

Postdocs who believe that they may have been discriminated against or harassed on the basis of race, color, gender, national origin, age, religion, creed, genetic information, disability, veteran's status, sexual orientation, gender identity or gender expression (their "protected status"), denied a reasonable religious or disability accommodation, or retaliated against for filing any such a complaint may contact the University's Equal Opportunity/ADA Office (<http://equalopportunity-ada.unc.edu>) and may seek an Administrative Review of their complaints under the University's Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination. Please note that prohibited sexual harassment includes sexual misconduct such as rape, sexual assault, or sexual battery. For more information, please consult

the University's Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination.

While Postdocs are encouraged to bring such a complaint within one hundred and eighty (180) calendar days of the alleged harassment, discrimination or retaliation, those who want to preserve their rights to further proceed under the Formal Grievance Process must submit a complaint under the Administrative Review process within forty-five (45) calendar days of the alleged harassing, discriminatory or retaliatory action or decision. In those cases, a Postdoc may further appeal the outcome of an Administrative Review through the Formal Grievance Process described below if he or she feels that the Administrative Review failed to produce an equitable resolution. A formal grievance must be filed within fourteen (14) calendar days of the date of notice of the outcome of the Administrative Review process. While all participants in the Administrative Review process are required to respect the confidentiality of the proceedings and circumstances relating to any complaint, complete confidentiality cannot be guaranteed.

## **X. Formal Grievance Process**

A Formal Grievance Process is available to Postdocs for the fair, orderly and prompt resolution of work-related disputes alleging that actions taken by management have violated University policies. The burden is on the Postdoc to establish by a preponderance of the evidence that a violation has occurred, that there is an appropriate and reasonable remedy available to address the grievance, and that he or she is entitled to that relief. Before filing a formal grievance, a Postdoc is encouraged to make reasonable efforts to resolve the issues directly with his or her Mentor or through the informal dispute resolution options described above.

Grounds for a grievance are limited to: **(1)** a violation of University rules, regulations or policies or a state or federal law pertaining to the Postdoc's relationship with the University that adversely affected the Postdoc; or **(2)** a specific act by the University that was arbitrary or capricious and adversely affected the Postdoc. Non-renewal of an appointment upon expiration of the term and termination of an appointment due to loss of funding are not grievable unless such acts fall within the above-described limitations. If a Postdoc raises allegations of prohibited harassment, discrimination or retaliation based on a protected status in his or her formal grievance, an investigation of the Postdoc's claim will be performed under the direction of the Equal Opportunity/ADA Office (if one has not already been performed) before deciding the outcome of the grievance.

### **A. Grievance – Department Chair (or Comparable Administrator)**

A Postdoc may formally request resolution of a matter under the Formal Grievance Process by submitting a written grievance no later than fourteen (14) calendar days after the adverse action to his or her Mentor's department chair, section head, center director or other unit administrator directly responsible for the Mentor's professional activities (or fourteen (14)

calendar days after completion of the mediation or Administrative Review processes discussed above).

The grievance must be timely, submitted in writing and clearly labeled as a “Formal Grievance Under the Postdoctoral Scholar Policy.” The grievance should include the following: a comprehensive description of the matter of concern; identification of the University rules, regulations or policies or state or federal laws that allegedly have been violated or the alleged specific act by the University that was arbitrary or capricious; a detailed description of how the Postdoc has been adversely affected by the alleged violation or act; the outcome of any prior attempts to resolve the matter; and a description of any and all supporting facts, including the individuals involved, the alleged act(s) being grieved and the dates when the alleged act(s) occurred. Postdocs should provide supporting documentation, if any, and should keep a copy of all materials submitted as their grievance for their records. The department chair, section head, center director or other unit administrator who receives the grievance will carefully review it and promptly resolve the matter by providing a written response to the Postdoc outlining the reasons for his or her decision no later than thirty (30) calendar days after his or her receipt of the grievance. If needed, the time limits set forth in this section may be extended by the Department Chair (or comparable administrator); a written notice of extension will be given to all parties involved.

#### **B. Appeal – Dean of the Applicable School**

If a Postdoc believes that the department chair, section head, center director or other unit administrator failed to properly resolve the grievance, he or she may formally appeal that decision by sending a written appeal no later than fourteen (14) days after the date of the decision made by the department chair, section head, center director or other unit administrator to the dean (or comparable administrator) of the school in which the Mentor is appointed. The appeal should include a copy of the original grievance submitted to the department chair, section head, center director or other unit administrator, along with a written statement outlining the basis of the appeal. The dean (or comparable administrator) who receives the appeal, or his or her designee, will carefully review the appeal and promptly resolve the matter by providing a written response to the Postdoc outlining the reasons for his or her decision no later than thirty (30) calendar days after his or her receipt of the appeal. If needed, the time limits set forth in this section may be extended by the dean (or comparable administrator); a written notice of extension will be given to all parties involved.

#### **C. Final Appeal – The Provost**

Finally, if a Postdoc feels that the dean failed to properly resolve the appeal, he or she may formally appeal that decision by sending a final, written appeal no later than fourteen (14) days after the date of the dean’s decision to the Provost. The final appeal should include a copy of the original grievance submitted to the department chair, section head, center director or other unit administrator, along with a copy of the written appeal to the dean and a written statement outlining the basis of the final appeal. The Provost, or his or her designee, will carefully review the final appeal and promptly resolve the matter by providing a written response to the Postdoc

outlining the reasons for his or her decision no later than thirty (30) calendar days after his or her receipt of the appeal. If needed, the time limits set forth in this section may be extended by the Provost or his or her designee; a written notice of extension will be given to all parties involved. The decision of the Provost, or his or her designee, is final.

## **XI. Other Items**

### **A. Important Dates for Postdocs and Mentors to Remember**

- Date of Appointment Letter (recommended to be sent at least thirty (30) days prior to start of appointment)
- Date of Appointment (or Anniversary Date)
- Deadline to attend New Postdoctoral Scholar Orientation (ninety (90) days after date of appointment)
- Date of Annual Performance Evaluation and IDP Review (to occur annually at least thirty (30) days before the Postdoc's Anniversary Date)
- Deadline to Request Extension of Maximum Five Year Term of Appointment (at least ninety (90) days before the five year term ends)
- End of Appointment
- End of Maximum Five Year Term of Appointment (appointment must be ended upon sixty (60) days' notice if a Postdoc reaches the five (5) year maximum limit)

### **B. Related Policies**

Please see below for a non-exhaustive list of policies that relate to this Policy. For more information, please contact OPA or the Office of Human Resources, or visit the University's website on [Campus Policies and Procedures](http://www.unc.edu/campus/policies.html) at [www.unc.edu/campus/policies.html](http://www.unc.edu/campus/policies.html).

[Postdoctoral Resource Handbook](#)

[Policy Statement on Non-Discrimination](#)

[Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination](#)

[ADA Reasonable Accommodations in Employment Policy](#)

[Policy on Criminal Conviction Checking](#)

[Policy on Reporting of Criminal Convictions for Currently Employed Faculty and Staff](#)

[Policy on Unpaid Volunteers, Interns and Visiting Scholars](#)

[Policy on Individual Conflicts of Interest and Commitment](#)

[Nepotism: BOG Policy on Employment of Related Persons](#)

[Personal Use Policy](#)

[Violence in the Workplace Policy](#)

If you have any questions about this Policy, please contact OPA at (919) 962-9982. Additional information is available in the Handbook and on OPA's website at <http://postdocs.unc.edu>.

*This Policy is maintained by the Office of Postdoctoral Affairs.*

**Effective:** July 2003; **Updated:** October 2003, June 2004, March 2005, April 2005, August 2005, July 2007, July 2008, December 2009, July 2013, August 2017