

## **BOARD OF GOVERNORS MEETING**

The University of North Carolina

June 9, 2006

The Board of Governors met in special session on June 9, 2006, in the Board Room of the General Administration Building, Chapel Hill. Mr. Wilson, the chairman, called the meeting to order at 9:00 a.m.

### **INVOCATION**

Mr. Young gave the invocation:

*Mr. Young acknowledged the passing of Teena S. Little of Southern Pines, a former member of the Board of Governors who served as Vice Chair, and of Hugh M. Morton of Grandfather Mountain, a giant among University supporters and a 2003 recipient of the University Award along with his wife Julia, herself a former member of this board.*

Most Heavenly Father, thank you for the opportunity to be here today and to serve you as we serve this University. We ask your blessings on this University and on the students, faculty, and staff associated with our system.

We come to you today as we are in a period of transition. We are changing leadership on the Board of Governors. We thank you for the leadership of our chair, Brad Wilson. We thank you for his calm and steady guidance during a period of uncertainty and change. His courage to deal directly with difficult situations is a model for us all. We ask your blessings and guidance on our next leader. Give that person strength of character and passion to do what is right.

Lord, I believe we are in an overall transition as well. Guide us as we reexamine the significance and mission of this board, and the mission of the University as a whole. Guide us to continue to be a leader for higher education in the state and help us to be a leader and a driver for positive economic change for North Carolina. Help us to do our part to improve the lives of the citizens of this state.

Tough challenges await the new chair, the board, and the staff here at General Administration. Lord, with your help we know we can make great achievements for our universities and for our state.

Bless us with your wisdom and guide our every decision. Help us, oh Lord, to achieve the greatest act known to mankind...TO SERVE OTHERS. Thank you and Amen.

## **ROLL CALL**

Secretary Perry called the roll and the following members were present:

Bradley T. Adcock  
 Brent D. Barringer  
 Peaches Gunter Blank  
 R. Steve Bowden  
 F. Edward Broadwell, Jr.  
 William L. Burns, Jr.  
 John W. Davis III  
 Phillip R. Dixon  
 Ray S. Farris  
 Dudley E. Flood  
 Hannah D. Gage  
 Willie J. Gilchrist  
 Peter D. Hans  
 Charles A. Hayes  
 James E. Holshouser, Jr.  
 Peter Keber

Adelaide D. Key  
 G. Leroy Lail  
 Charles H. Mercer, Jr.  
 Fred G. Mills  
 Charles S. Norwood  
 Cary C. Owen  
 Patsy B. Perry  
 Jim W. Phillips, Jr.  
 Irvin A. Roseman  
 Benjamin S. Ruffin  
 Estelle W. Sanders  
 William G. Smith  
 J. Craig Souza  
 Priscilla P. Taylor  
 J. Bradley Wilson  
 David W. Young

The following members were absent:

H. Frank Grainger  
 Gladys Ashe Robinson

Zachary A. Wynne

## **MINUTES**

Mr. Hans moved, duly seconded, that the minutes of the meetings of May 11, 2006, and May 12, 2006, be approved. The motion carried.

## **ADMINISTRATION OF OATH OF OFFICE**

Chairman Wilson stated that the oath of office would be administered to Derek T. Pantiel, President of the UNC Association of Student Governments and incoming *ex-officio* member of the board. He stated that Mr. Pantiel is a senior at North Carolina Central University and is majoring in Biology with a minor in Chemistry. Chairman Wilson also recognized

Mr. Pantiel's aunt Mary Flounoy, and family friend Louise Gooche, who attended the meeting.

The chair called upon Michelle Manns, a Notary Public, and she came forth and administered the oath. Mr. Pantiel signed two copies of the oath, and was given a copy to keep, along with a certificate of board membership.

Chairman Wilson congratulated Mr. Pantiel and stated that the board looked forward to serving with him.

### **REPORT OF THE COUNCIL OF UNC ALUMNI ASSOCIATION PRESIDENTS**

Chairman Wilson stated that the Council of UNC Alumni Association Presidents has served the University well since 1990, providing support for the University and for the Board of Governors on many fronts. He welcomed the current Council president Dr. Dwight Pearson for remarks, followed by long time Executive Director Bob Kennel.

Dr. Pearson stated that as of the end of June the Council will be placed in a quiescent mode. He stated that a brief history of the Council's work over the past 16 years has been compiled by Mr. Kennel, and a copy of it has been included in the board members' folders. Dr. Pearson introduced seven of the ten past Council Presidents who attended the meeting and presented *The Enabler Statue* to President Bowles.

Executive Director Kennel came forward and presented several of the Council's *University Basketballs* to President Bowles and members of the staff, and noted there was one for the soon to be elected new board chairman.

### **RESOLUTION HONORING DR. GRETCHEN M. BATAILLE**

Chairman Wilson stated that it was his honor to recognize Dr. Gretchen M. Bataille who was attending her last board meeting as Interim Chancellor of the North Carolina

School of the Arts. He stated that the board is sincerely grateful for her service as chancellor and for her previous distinguished service as the Senior Vice President for Academic Affairs.

Mr. Mercer read and moved approval of a Board of Governors resolution honoring

Dr. Bataille. The motion carried. Dr. Bataille was then invited to the podium to comment.

See Appendix A for the resolution.

### **RESOLUTION HONORING DR. RICHARD L. THOMPSON**

Chairman Wilson stated that it was also his honor to recognize Dr. Richard L. Thompson, who was attending his last board meeting as Vice President for University-School Programs. Dr. Gilchrist read and moved approval of a resolution honoring Dr. Thompson.

The motion carried. Dr. Thompson was then invited to the podium to reflect on his service.

See Appendix B for the resolution.

### **ADMINISTRATIVE ACTION ITEMS**

Chairman Wilson called attention to the Administrative Action Items listed on the agenda. Mr. Young moved, seconded by Mr. Broadwell, that the following Administrative Action Items be approved by consent:

- |           |   |            |
|-----------|---|------------|
| a. (B&F)  | Authorization for the Optional Redemption of Revenue Bonds, NCSU            | Appendix C |
| b. (B&F)  | Authorization of the Sale of Special Obligation Bonds, UNCC                 | Appendix D |
| c. (B&F)  | Approval of Management Flexibility – Increase in Purchasing Benchmark, UNCC | Appendix E |
| d. (B&F)  | Authorization of New Capital Improvements Projects, NCCU                    | Appendix F |
| e. (B&F)  | Authorization to Exchange Property for Ground Lease of Property, NCSU       | Appendix G |
| f. (B&F)  | Approval of Out-Lease of Space, NCSU  | Appendix H |
| g. (B&F)  | Authority for Disposition of Property, NCSU                                 | Appendix I |
| h. (EPPP) | Authorization to Establish the Bachelor of Science in Art Education, FSU    | Appendix J |
| i. (EPPP) | Authorization to Establish the Bachelor of Science in Fire                  |            |

	Science, FSU	Appendix K
j. (EPPP)	Authorization to Establish the Bachelor of Arts in Art History, UNCC	Appendix L
k. (EPPP)	Authorization to Establish the Bachelor of Science in Construction Management, UNCC	Appendix M
l. (EPPP)	Authorization to Establish the Master of Science in Athletic Training, ECU	Appendix N
m. (EPPP)	Authorization to Establish the Master of Science in Software Engineering, ECU	Appendix O
n. (EPPP)	Authorization to Establish the Master of Science in Computer and Information Sciences, NCCU	Appendix P
o. (EPPP)	Authorization to Establish the Master of Arts in Ethics and Applied Philosophy, UNCC	Appendix Q
p. (EPPP)	Authorization to Establish the Master of Arts in Teaching English as a Second Language and Linguistics, WSSU	Appendix R
q. (P&T)	Approval of the Proposed Amendments to Policy 300.2.2, <i>Conflicts of Interest and Commitment Affecting Faculty and Non-Faculty EPA Employees</i>	Appendix S
r. (GOV)	Approval of Amendments to Section 301 of <i>The Code</i>	Appendix T

The motion carried.

### **PRESIDENT'S REPORT**

For President Bowles' transcribed remarks see Appendix U.

### **REPORT OF THE COMMITTEE ON BUDGET AND FINANCE**

Mrs. Gage, chair of the Committee on Budget and Finance, presented the committee's report.

#### **Delegation of Authority**

Mrs. Gage stated that each year when the General Assembly passes its budget, the Committee on Budget and Finance recommends allocations of funds made available by the General Assembly to the Board of Governors. It is uncertain when the General Assembly will

pass its budget, but it is anticipated that the budget could be in place before the board meets again in August.

On behalf of the committee, Mrs. Gage, moved that the Committee on Budget and Finance be delegated the authority to allocate funds made available by the General Assembly if the budget is ratified prior to the August meeting of the board. She added that there would be a special meeting for this purpose and the entire board would be invited to participate, either in person or via telephone. The motion carried.

#### 2006-07 Budget Priorities

Mrs. Gage reported that at its April meeting, the Board of Governors approved its 2006-07 Budget Priorities. The committee recommends that the *Budget Priorities* be amended to include a request for funds for the environmental clean-up required by the Environmental Protection Agency (EPA) at 20 East Acadia Avenue in Winston-Salem. She stated that the EPA has been investigating heavy metal contamination on and around this site which is owned by the North Carolina School of the Arts Foundation. The EPA has now asked the Foundation and the former owner of the property, NK Holdings, to execute a settlement agreement that requires extensive clean up of the site. The Foundation, funded through private gifts, does not have sufficient unrestricted funds necessary to cover the \$500,000 that is the Foundation's share of the estimated cost to clean up the site. The North Carolina School of the Arts has a vested interest in protecting and assisting the Foundation and is now requesting that \$500,000 be added to the 2006-07 Budget Priorities so that, if appropriated, the settlement agreement can be executed.

On behalf of the committee, Mrs. Gage moved that the 2006-07 Budget Priorities be increased by \$500,000 and that NCSA be authorized to seek a special provision

from the General Assembly to allow this funding to be used for the required environmental clean-up at the site. The motion carried. Mr. Phillips abstained. (Appendix V)

#### Lease of Space – Fayetteville State University

Mrs. Gage reported that the Board of Trustees of Fayetteville State University has requested permission to lease space to accommodate approximately 190 students and resident assistants for the nine-month academic year for the next five years, beginning in the fall of 2006. The leased space will be fully furnished and include standard utilities. Fayetteville State University seeks to enter into a lease with the Fayetteville State University Housing Foundation, LLC for a five-year lease for a large portion of University Place Apartments located at 1316 Coley Drive in Fayetteville. The lease will be for 190 beds and will cost \$570,000 per year (\$1,500 per bed per semester) or \$2,850,000 for the five-year lease period. The renewal rates charged to students will be consistent with equivalent on-campus housing so that no additional cost will be incurred by FSU. Lease payments will be met from student housing receipts derived from the University Place project.

On behalf of the committee, Mrs. Gage moved that the request of the FSU Board of Trustees be approved and transmitted to the Council of State for final action. The motion carried. (Appendix W)

### **REPORT OF THE COMMITTEE ON EDUCATIONAL PLANNING, POLICIES, AND PROGRAMS**

Dr. Taylor, chair of the Committee on Educational Planning, Policies, and Programs, presented the committee's report.

She reported that the committee considered a new policy on Research Misconduct. The policy has been reviewed by several constituencies on the campuses such as the research officers, chief academic officers, and the chancellors. The policy sets out the framework and requirements for campus policies dealing with and responding to allegations of misconduct. She stated that the committee recommends approval of this policy and will bring it to the board for action at the August meeting.

Dr. Taylor stated that the committee invited several chancellors to further discuss the priorities the board approved last month. She added that this was a very fruitful discussion and provided the committee with the chancellors' perspectives on the process and results of priority setting. The chancellors commented that they had learned a lot about each others' campuses and that they were very pleased to have come together in agreement about a short list of priorities.

Dr. Taylor stated the committee agreed with a proposal presented by General Administration not to publish a full long-range planning document at this point, but instead to do a shorter supplemental publication that would include the new items developed in recent months. Since the mission study will drive much of future long-range planning it seems best to wait for the results of that process before concluding the next long-range plan.

She stated that the committee also discussed a draft revised policy for setting goals for improving retention and graduation rates on our campuses. That draft was included in the Planning section of the board notebook. She added that the committee welcomes comments and plans to act on this proposed policy revision in August.

Dr. Taylor stated that the committee had a brief report on the work of the consultants for HB 1264 and that the final report will be provided June 30.



Finally, Dr. Taylor stated that the committee also sponsored a Board Workshop on Online Education earlier this morning to bring board members up to date on the University's online degree offerings.

### **REPORT OF THE COMMITTEE ON PUBLIC AFFAIRS**

Mr. Hans, chair of the Committee on Public Affairs, presented the committee's report.

He stated that the committee meeting and Legislative Day in Raleigh on Wednesday, June 7, went very well and that the feedback from legislators was positive. He thanked President Bowles, board members, chancellors, and staff for their participation and helping to make it such a success.

Mr. Hans reported that the House Appropriations Education Subcommittee met yesterday afternoon and released their budget. The full Appropriations Committee will meet next week and the budget will go to the House floor. He added that this is a great budget for the University. It includes full funding for enrollment and financial aid, funding for focused growth campuses that was not in the Senate budget, funding for special needs institutions that was not in the Senate budget, funding for several of our teaching and nursing priorities, and for Kannapolis and other economic development efforts. He added that the draft House capital budget has funded every number one priority for the 16 campuses.

Mr. Hans asked members to remain engaged with members of the legislature and pointed out that a note card that contains the details of the University's budget priorities is included in the board folders.

**REPORT OF THE COMMITTEE ON UNIVERSITY GOVERNANCE**

Mr. Davis, vice chair of the Committee on University Governance, presented the committee's report.

**Election to the Board of Trustees – The University of North Carolina at Asheville**

Mr. Davis reported that there is a partial term ending June 30, 2007, on the University of North Carolina at Asheville Board of Trustees. On behalf of the committee, he recommended the election of Sue McClinton of Asheville to serve on the University of North Carolina at Asheville Board of Trustees. The motion carried.

**Election to the Board of Trustees – Western Carolina University**

Mr. Davis reported that there is a partial term ending June 30, 2009, on the Western Carolina University Board of Trustees. On behalf of the committee, he recommended the election of George W. Little of Southern Pines to serve on the Western Carolina University Board of Trustees. The motion carried.

**Reappointment to the Board of Directors – The North Carolina Center for Nursing**

Mr. Davis reported that there is a term ending June 30, 2009, on the North Carolina Center for Nursing Board of Directors. On behalf of the committee, he recommended the reappointment of Cherry Maynor Beasley of Lumberton to serve on the NC Center for Nursing Board of Directors. The motion carried.

**Political Activity Petition – Fayetteville State University**

Mr. Davis reported that the committee considered the timely political activity petition of Mr. Gregory N. Taylor, who is a Regional Director of the Small Business & Technology Development Center and on the payroll at Fayetteville State University. On behalf of the committee, Mr. Davis recommended approval of Mr. Taylor's request to maintain his full

time University employment during the fall semester 2006 while campaigning for election to the NC House of Representatives.

Mr. Davis reported that the committee received a report from President Bowles and Vice President Winner summarizing recent discussions regarding the governance status of those educational programs under the umbrella of the Center for School Leadership Development. They met with the director of each of these programs to discuss their respective governance structures. The North Carolina Teacher Academy and the North Carolina Center for the Advancement of Teaching made the decision to pursue programming in an independent fashion, which will occur through legislation. The other six programs chose to remain under the Center for School Leadership Development.

### **REPORT OF THE AUDIT COMMITTEE**

Mr. Smith, chair of the Audit Committee, presented the committee's report. He stated that the committee postponed its discussion of the proposed University of North Carolina Employee Code of Ethics until the General Assembly completes its work on statewide code of ethics issues.

In addition, the committee reviewed a report on the campuses that received their 2005 Financial Audit Reports or their Information System Audit Reports from the North Carolina Office of the State Auditor. He noted that these reports were included in the board notebooks.

### **CHAIRMAN'S REMARKS**

Chairman Wilson thanked Mr. Hans, members of the Committee on Public Affairs, and the staff that was involved in creating University Day at the Legislature.

The Chairman stated that the March 2007 meeting of the board will be at East Carolina University during the campus' centennial celebration.

Chairman Wilson thanked his wife, Carole, his son, Alex, and his special guest, Bob Greczyn for all of their support during his tenure as chairman. The Chair also thanked Secretary Corgnati and other members of the General Administration staff for their support and great work for the Board of Governors. He offered special thanks to Dr. Killingsworth and members of the University faculty, the chancellors, and especially President Bowles.

For Chairman Wilson's complete remarks, see Appendix X.

### **ELECTION OF OFFICERS**

Chairman Wilson reviewed the election procedures with the members. He stated that there are no known contested races for these elections and that Jim W. Phillips, Jr., is the sole candidate for chairman, J. Craig Souza is the sole candidate for vice chairman, and Patsy B. Perry is the sole candidate for secretary. On motion of Mr. Farris, seconded by Dr. Flood, the Board of Governors suspended its policy on election procedures and declared that this slate of officers be elected by acclamation to serve a two-year term beginning July 1, 2006. The motion carried.

At Chairman Wilson's invitation, Secretary Perry made the following remarks:

I would like to say thank you, Mrs. Owen, for your nomination and thanks to all of you for your vote. I pledge to do my very best to be a good secretary and get down as much as I can with all that goes on in these meetings. It has been a pleasure serving with Brad and Craig, and I look forward to serving with Jim and Craig. I yield any remaining time that I might have to Jim Phillips, because I know he wants to make a speech.

At Chairman Wilson's invitation, Vice Chairman Souza made the following remarks:

Thank you all for your support. I look forward to working with Chairman-elect Phillips and Patsy Perry once again. I appreciate your support and I will work hard for you, as hard as I can. Thank you very much.

Chairman Wilson stated that it was his pleasure to introduce the next Chairman of the Board of Governors, Jim Phillips. At Chairman Wilson's invitation, Chairman-elect Phillips made the following remarks:

First of all, I want you to know that I am honored and very, very excited. I am honored because you all have given me the opportunity to play a leadership role in connection with the most important institution in the State of North Carolina. Historically, whether the issues were educational, social, or economic, the University of North Carolina has led the way to change and a better life for the citizens of this state. And there is no doubt that this University will, indeed must, lead the way in the future. Brad quoted our new president several times and I will refer to his remarks at his installation again. In that speech, he made it clear; he was blunt, that this University, as always, was prepared to lead North Carolina in a time when we face significant challenges as a state and as a University. He was clear that we need to get about it now. Well, Mr. President, this board and I are your partners in that effort and we pledge to you our support and we are ready to go.

I am also honored to hold a position that has been occupied by great North Carolinians, such as Ben Ruffin, Cliff Cameron, and my good friend, Brad Wilson. We will honor Brad, his service and his legacy at our August meeting, but I want to say now, personally and on behalf of all of us on this board, that we appreciate so much the leadership you have provided, the good counsel you have given, and most of all the patience you have shown all of us over the past four years.

As I said, I am also very, very excited. And that's for several reasons. First of all, I have the opportunity to work with our new president, the person who is going to be the best university president in the United States of America. It is also because this University and this state face challenges and are presented with opportunities unlike any in our history. We are literally, along with millions of other people in North Carolina, remaking this state's economy. I am confident that with our new president and his team, our chancellors and their faculty and staffs, and with you, my colleagues on this board who have shown a commitment to excellence, a willingness to work hard, and the good judgment to make decisions that are in the best interest of the people of the state, putting aside our personal loyalties, I am confident that we can do that job. At our August meeting, I will talk more about where I hope this board proceeds in the next two years and what I hope we accomplish, but for now let me say thank you again, my colleagues. I assure you that over the next two years, I will call

on each and every one of you to renew your commitment, to work twice as hard, and to continue to exercise good judgment. Thank you for your confidence and trust in me and I look forward to serving you, this University, and this state for the next two years.

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On motion of Dr. Perry, and duly seconded, the board voted to convene in closed session pursuant to North Carolina General Statute 143-318.11(a)(5). The motion carried.

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The Board of Governors went into closed session at 10:50 a.m. and returned to open session at 11:00 a.m.

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## **REPORT OF THE COMMITTEE ON PERSONNEL AND TENURE**

Mr. Mercer, chair of the Committee on Personnel and Tenure, presented the committee's report.

### **Summary Personnel Report**

On behalf of the committee, Mr. Mercer moved approval of the committee's summary personnel report and other items presented in closed session. The motion carried.

(Appendix Y)

### **Appointment of the Senior Vice President for Academic Affairs – General**

#### **Administration**

Chairman Wilson noted that with the approval of the summary personnel report, the board had approved the appointment of the new Senior Vice President for Academic Affairs and invited President Bowles to formally introduce the newest member of his staff.

President Bowles stated that it gives him great honor to introduce the new chief academic officer of the University of North Carolina, Senior Vice President for Academic Affairs, Dr. Harold L. Martin, Sr.

At President Bowles' invitation, Dr. Martin made the following remarks:

Thank you very much. The operative phrase here this morning is 'excitement and enthusiasm.' I must say that I do have it, I really do. To members of the Board of Governors, to Erskine, and to members of the senior staff, and my colleagues, the chancellors, let me say to you very honestly that really I am indeed honored to have this opportunity to serve as Senior Vice President for Academic Affairs. I give all the credit to the search committee; they have been keeping me on point by making sure to ask tough questions to ensure that the right messages are indeed in place. Erskine has laid a very significant and challenging agenda for the University of North Carolina, and I am excited about having the opportunity to work with him as a partner, I really am. I have been very fortunate to not only be a product of the University of North Carolina as a graduate of North Carolina A&T State University twice, but I have also had the pleasure of working in the system for 26 years in various capacities. For the past 6 years, as chancellor of Winston-Salem State University, it really has been a wonderful experience. It truly, truly has been a remarkable 6 years spending a significant amount of my time engaging, not only the constituents of WSSU, the corporate leadership of Winston-Salem and the region, but traveling throughout North Carolina connecting with so many who have such a passion for North Carolina and the University of North Carolina. That excites me. I heard Chairman Wilson's comments today consistent with the message that Erskine has laid out for the University...access and opportunity for all who are appropriate and prepared to enter the University of North Carolina. I realize the significant responsibilities for ensuring that we are providing exceptional educational experiences for those students who come through our doors, but we are also assuring that we do all that we can to ensure they graduate from our universities as well. There is a growing demand and expectation that the University of North Carolina will continue to do more to make North Carolina economically competitive in a growing global society. That means significant discussions and preparation through mission reviews and discussions with our chancellors and their senior staffs and faculty. Let me say to you very honestly, I look forward to continuing to engage in conversations with my colleagues, chancellors, board members, and certainly, with Erskine. Thank you very much.

Motion to Approve Trust/Custodial Agreements for Optional Retirement Program

Mr. Mercer reported that during the committee meeting Associate Vice President Waldrup discussed the trust and custodial account agreements proposed for use in the Optional Retirement Program.

On behalf of the committee, Mr. Mercer moved approval of the Motion to Approve Trust/Custodial Agreements for Optional Retirement Program. The motion carried. See Appendix Z for the complete motion.

Delegation of Authority

On behalf of the committee, Mr. Mercer requested that the board delegate to the committee the authority to approve appointments and set the compensation of EPA non-faculty and of faculty whose appointments are to take effect before the next scheduled meeting of the board. He stated that such appointments would be approved at a special meeting of the committee. In addition, he requested that the board delegate to the committee the authority to act on a *Salary Resolution*, if necessary, to carry out the academic salary policies for 2006-2007, and delegate to President Bowles the authority to implement the *Resolution*. The motion carried.

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There being no further business, the meeting adjourned at 11:15 a.m.

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Secretary



## APPENDICES

(All appendices are a part of the official record of the meeting.)

Appendix A	Resolution Honoring Dr. Gretchen M. Bataille	Attached
Appendix B	Resolution Honoring Dr. Richard L. Thompson	Attached
Appendix C	Authorization for the Optional Redemption of Revenue Bonds, NCSU	Attached
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Appendix U	President Bowles' Report	Attached
Appendix V	Amendment to the 2006-07 Budget Priorities	Attached
Appendix W	Lease of Student Housing – Fayetteville State University	Attached
Appendix X	Chairman Wilson's Remarks	Attached
Appendix Y	Summary Personnel Report	Attached
Appendix Z	Motion to Approve Trust/Custodial Agreements for Optional Retirement Program	Attached