

AGENDA ITEM

A-8. Proposed Policy on Involvement of Centers and Institutes in Legal Actions..... Joe Knott

Situation: This proposed policy seeks to protect the academic focus of Centers and Institutes by restricting Centers and Institutes from participating in litigation.

Background: There are approximately 240 academic Centers and Institutes on the 16 campuses of the University of North Carolina (“UNC” or “the University”). The Board of Governors supports the establishment of Centers and Institutes as one way to strengthen and enrich University programs and activities associated with the University's core missions of research, instruction, and service. Each university must have procedures for establishing Centers and Institutes and each center is required to identify itself as either a research, public service, or instructional unit.

Assessment: The Board of Governors Centers and Institutes regulation currently limits the ability of Centers to engage in lobbying but does not prevent a center from engaging in litigation against private parties or State and local governments. Filing legal actions against the State or city and county governments does not come within the primary purpose of Centers and Institutes.

Action: This item requires a vote by the committee and a vote by the full Board of Governors no earlier than the May meeting of the Board of Governors.

Involvement of Centers and Institutes in Legal Actions

I. **Applicability and Purpose.** The Board of Governors believes that the establishment of Centers and Institutes, as defined in Section 400.5[R] of the UNC Policy Manual, can strengthen and enrich University programs and activities associated with the University's core missions of research, instruction, and service. This policy seeks to protect the academic focus of such entities by restricting Centers and Institutes from participating in litigation.

II. **Legal Actions.** No Center or Institute may do any of the following:

A. File a complaint, motion, lawsuit or other legal claim in its own name or on behalf of any individual or entity against any individual, entity, or government or otherwise act as legal counsel to any third party; or

B. Employ or engage, directly or indirectly, any individual to serve as legal counsel or representative to any party in any complaint, motion, lawsuit, or other legal claim against any individual, entity, or government or to act as legal counsel to any third party.

III. **Other Matters.**

A. **Effective Date.** The requirements of this policy shall be effective on the date of adoption by the Board of Governors. The requirements of this policy shall not apply to any pending legal action in which a Center or Institute was participating immediately prior to the effective date of this policy, provided that the Center or Institute notifies the secretary of the Board of Governors, in writing, of its participation in such action within thirty (30) days of the adoption of this policy.

B. **Relation to State Laws and University Policy.** The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments and existing University policies which may govern or relate to the matters addressed herein.

C. **Regulations and Guidelines.** This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.